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IMPLEMENTATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE MINISTERIAL MEETING ON THE CREATION OF AN EFFECTIVE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

Activities of the United Nations Interregional Crime and Justice Research Institute and the regional institutes for crime prevention and criminal justice

Progress report of the Secretary-General

Summary

The present progress report of the Secretary-General brings to the attention of the Commission on Crime Prevention and Criminal Justice the progress achieved in the activities carried out by the United Nations Interregional Crime and Justice Research Institute, the regional institutes for the prevention of crime and the treatment of offenders and other associated institutes cooperating closely with the Secretariat in the field of crime prevention and criminal justice. The role, capacity and potential of this crime prevention and criminal justice programme network in complementing the work of the Secretariat and in assisting the Commission in promoting the goals and objectives of the crime prevention and criminal justice programme are also highlighted.

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INTRODUCTION

1. In paragraph 36 of the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152, annex), the interregional and regional institutes were requested to keep the Commission on Crime Prevention and Criminal Justice informed, on a regular basis, of their respective programmes of work and their implementation.

2. The Commission's attention is drawn to the report of the Secretary-General to the General Assembly at its forty-sixth session on the African Institute for the Prevention of Crime and the Treatment of Offenders and other institutes for crime prevention and criminal justice (A/46/524). In the light of this report, and of the recommendations of the Seventh Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held at Dahran, Saudi Arabia, on 7 and 8 January 1992, the present report, departing from past style, describes the role, capacity and activities of each institute, as part of a programme network within the United Nations crime prevention and criminal justice programme, and as an indication of the continuous need for the integration and coordination.

3. The present report has been prepared by the Secretariat on the basis of information provided by each of the institutes, with the assistance of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations. It outlines the terms of reference and funding bases of the institutes, so as to bring to light both their unique differences and their commonalities, in terms of programmes of work that are being carried out in pursuance of overall programmatic goals for promoting United Nations criminal policy at the interregional, regional and subregional levels.

I. OVERVIEW OF THE ROLE OF THE CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME NETWORK

4. The "crime prevention and criminal justice programme network"* consists at present of:

(a) The Rome-based United Nations Interregional Crime and Justice Research Institute (UNICRI), a United Nations entity that operates on an interregional basis;

(b) Four affiliated regional institutes: the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, at Fuchu, Japan (covering Asia and the Pacific); the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, at San José, Costa Rica (covering Latin America and the Caribbean); the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), at Helsinki, Finland (covering Europe); and the African Regional Institute for the Prevention of Crime and the Treatment of Offenders, at Kampala, Uganda (covering Africa);

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*This terminology has been adopted for ease of reference and for the sake of uniformity of nomenclature, as recommended by the Seventh Joint Programme Co-ordination Meeting at Dahran.

(c) Three associate institutes that also cooperate closely with the United Nations: the Arab Security Studies and Training Centre (ASSTC), at Riyadh, Saudi Arabia (a regional centre covering the Arab world); the Australian Institute of Criminology (AIC), at Woden, Australia (a subregional institute, covering the Pacific), and the International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver, Canada (an international centre).

5. The crime prevention and criminal justice programme network serves as a link between the United Nations and States in the different regions. It promotes interregional, regional and subregional cooperation, seeking to foster United Nations criminal policy and keeping States abreast of the work and perspectives of the United Nations. The network advises the Secretariat of the special needs, concerns and priorities of the regions, and assists in the implementation of the United Nations crime prevention and criminal justice programme.

6. The affiliated regional institutes are funded largely by their respective host States, and countries of the region. The funding for ASSTC is based on contributions from Arab States, Australia provides the funding for AIC, and Canada provides funding for the Vancouver Centre.

7. A major restriction on the work of the network, which hampers the development of criminal justice world-wide, is the current lack of financial resources, especially in the case of the institutes that serve developing countries. In paragraph 35 of the Statement of Principles and Programme of Action, it is noted that the activities of the institutes "should be supported by Member States and the United Nations, giving particular attention to the needs of such institutes located in developing countries. Given the important role of such institutes, their contributions to policy development and implementation, and their resource requirements, should be fully integrated into the overall programme, especially those of the African Institute for the Prevention of Crime and the Treatment of Offenders". In paragraph 38, it is stated that the "Commission shall seek to mobilize extrabudgetary support for the activities of the interregional and regional institutes".

8. Each institute attempts to render assistance in all forms of international cooperation through the United Nations crime prevention and criminal justice programme. Each has a particular role to play and has developed its own profile of activities, as well suited to the needs of its constituency as resources permit. All the institutes maintain close cooperation with various United Nations agencies and intergovernmental and non-govenmental organizations.

9. The research, studies and surveys conducted by the institutes are designed to yield productive and useful results for the benefit of both developing and developed countries. Emphasis is placed on research that can be used in policy development and in improving practical crime prevention and control measures.

10. To varying degrees, the institutes seek to develop continually their programmes of training and technical cooperation, both individually and jointly. Training is primarily targeted at criminal justice professionals, policy makers and decision makers, educators, social operatives and researchers. It is geared to promoting and exchanging information on the implementation of United

Nations standards and norms, bringing together decision makers, administrators and researchers on a cross-sectoral basis, updating the technical skills and capabilities of criminal justice profile examples, and carrying out training in methodologies for research and policy analysis.

11. It is recognized that sound development of crime prevention and criminal justice requires wide public support. ASSTC, for example, has organized a series of exhibitions and public lectures to bring to the attention of a wide audience the work done by the United Nations and developments in a variety of key contemporary issues of professional and public concern.

12. The network is seeking to develop its capacity to serve as a clearing-house or international information centre for criminal justice agencies, organizations and individuals concerned. UNICRI, ASSTC and AIC, in particular, have founded extensive libraries. AIC has promoted the computerization of library listings, thus increasing the possibilities of direct cooperation with other institutions and agencies. Each of the institutes publishes research reports and the proceedings of various meetings. They regularly publish news-letters. The Asian and Latin American institutes, ASSTC and AIC publish periodic journals.

13. Coordination between the network and the Secretariat is at present carried out through the annual joint programme coordination meetings of the crime prevention and criminal justice programme network, hosted and financed entirely by ASSTC at Riyadh. This coordination mechanism has helped the network to consolidate and integrate its activities more effectively.

14. The attention of the Commission is drawn to paragraphs 18 and 36 of the Statement of Principles and Programme of Action, where it is specified that, within the framework of the programme, the United Nations should act as a coordinating or facilitating agent and that the interregional and regional institutes should keep one another and the Commission informed on a regular basis about their programme of work and its implementation.

15. Concerning the Commission's role in the coordination of crime prevention and criminal justice activities world-wide, it is stipulated in paragraph 26 (c) of the Statement of Principles and Programme of Action that one of the functions of the Commission is "to facilitate and help to coordinate the activities of the interregional and regional institutes". In paragraph 37, it is further stated that the Commission may request the interregional and regional institutes, subject to the availability of resources, to implement selected elements of the programme and may also suggest areas for interinstitute activities.

16. In the light of the above information, the Commission may wish to consider ways in which the institutes, collectively and individually, could provide advice, from a scientific and professional point of view, on how the programme could be planned and implemented within the framework of United Nations activities, interregionally, regionally and subregionally.

17. One way in which this might be accomplished is through the network's involvement in the selection of experts to advise the Commission, as referred to in paragraph 28 of the Statement of Principles and Programme of Action. As such experts are chosen on the basis of equitable geographical distribution, the network could play an important role in a number of ways, for example by

identifying highly competent persons of widely recognized standing and by supporting the transfer and development of expertise in various countries. Coordination could also be enhanced through the identification by the Commission of a list of priorities for the network, paying due regard to respective terms of reference and overall resource requirements. Such an approach would require detailed and careful planning and the monitoring of its implementation, in order to review the status of the various projects and any difficulties encountered.

II. ACTIVITIES AND TERMS OF REFERENCE OF THE UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE AND AFFILIATED REGIONAL INSTITUTES

A. United Nations Interregional Crime and Justice Research Institute

18. The United Nations Interregional Crime and Justice Research Institute (UNICRI) was established in 1967, under the name "United Nations Social Defence Research Institute", as the "research arm" of the Crime Prevention and Criminal Justice Branch. The Economic and Social Council, in its resolution 1989/56, established the Institute as a subsidiary organ of the Council, and adopted a set of new statutes, mandates and terms of reference under its present name. The Institute now carries out a significantly broadened range and scope of activities, including those related to training and technical assistance.

19. The objective of UNICRI, according to article II of its statutes (Economic and Social Council resolution 1989/56, annex), is "to contribute, through research, training, field activities and collection, exchange and dissemination of information, to the formulation and implementation of improved policies in the field of crime prevention and control, due regard being paid to the integration of such policies within broader policies for socio-economic change and development, and to the protection of human rights". According to article IV of its statutes, the Board of the Institute, under the guidance of the (former) Committee on Crime Prevention and Control, shall:

> "(a) Formulate principles, policies and guidelines for the activities of the Institute;
>
> "(b) Consider and approve the work programme and budget proposals of the Institute on the basis of recommendations submitted to it by the Director of the Institute;
>
> "(c) Evaluate the Institute's completed and ongoing activities on the basis of periodic reports submitted to it by the Director of the Institute;
>
> "(d) Make the recommendations necessary or desirable for the operation of the Institute;
>
> "(e) Report periodically to the Economic and Social Council through the Committee on Crime Prevention and Control."

20. In the light of the functions of the Board of the Institute vis-à-vis the Commission, and particularly in view of the provisions of General Assembly

resolution 46/152 and the annexed Statement of Principles and Programme of Action and of Economic and Social Council resolution 1989/56, by which the Institute was established, the Commission may wish to review the established reporting procedure.

1. Comparative research

21. In its role as an interregional institute, UNICRI pays considerable attention to the development of comparative research and international databases, and conducts research that includes criteria and mechanisms for the evaluation of adopted criminal justice policies, in the overall context of socio-economic development.

2. Training

22. The main areas for the training of criminal justice personnel and social operatives are research methodology and policy analysis. Although training had always been part of the activities of UNICRI, for example the training of young researchers during their internship at the Institute and of local research staff engaged in projects in developing countries, a more structured training programme was initiated after the adoption of its new statute. Training activities are geared to the acquisition and promotion of skills, the exchange of information and experience, and the generation of operational, training and research capacities and structures.

23. Jointly with the Secretariat and ASSTC, UNICRI was responsible for coordinating the work of the institutes and of individual experts in the preparation of the ASSTC-funded research workshops at the Seventh and Eighth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders.

3. Technical cooperation

24. A particular strength of the Institute's programme is the execution of international and country projects. The technical cooperation component comprises projects, training courses and seminars and humanitarian programmes at the country level. The Institute has launched a number of pilot projects, particularly concerning "street children" and the prevention of drug abuse.

4. Library and documentation services

25. UNICRI has been developing a highly specialized library. This library constitutes a notable documentation centre in the fields of criminology, criminal law and sociology. It also contains relevant documentation of the United Nations and other international organizations. UNICRI operates a clearing-house and documentation service (the Drug Abuse Comprehensive Centre) for the collection and dissemination of bibliographical and audiovisual materials concerning drug addiction and the training of operational personnel.

5. Publication and dissemination services

26. The results of the Institute's work are disseminated through its publications. Reports are published either as monographs or as documents targeted at Member States and specialized institutions and organizations. Information on its work is also included in various United Nations documents.

6. Resources

27. Activities are funded largely from earmarked contributions to the United Nations Trust Fund for Social Defence, mainly those of the host Government, which has generously supported the Institute's activities since its inception. UNICRI receives contributions from other Governments and from some organizations and agencies for the implementation of specific projects. It currently has a staff of 28, 10 of whom are involved in substantive work and 18 in support activities. It can also draw on the expertise of more than 50 consultants. Its operational budget for 1992 is $2.8 million (excluding salaries).

B. Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

28. The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders was established in 1962, pursuant to an agreement between the United Nations and the Government of Japan, to promote regional cooperation in the field of crime prevention and criminal justice through training and research, and to contribute to sound social development in the Asian and the Pacific region. The full financial and administrative responsibilities for running it are assumed by the Government of Japan. The nine members of the faculty staff (including the Director and Deputy Director), as well as the 20 members of the administrative, clerical and technical staff, are appointed from among Japanese government officials. Apart from the regular staff, four or five visiting experts from abroad are invited to each training course or seminar by the Ministry of Justice of Japan. The Institute has also had valuable assistance from individual experts, who provide contributions in kind, on an ad hoc basis, to its training programme.

1. Training and technical cooperation

29. Training is the principle area and priority of the Institute's programme of work. The Institute's aim is to upgrade professional knowledge and techniques that are essential to the effective and efficient administration of criminal justice. It plays a major role in examining the particular problems of the region and in assessing States' needs for technical and financial assistance.

30. In the 30 years since its establishment, the Institute has conducted 89 international seminars and training courses and three short-term special training courses. One of the distinguishing features of its training and seminar courses is their interdisciplinary and cross-sectoral character. The training provided by the Institute in the implementation of United Nations standards, norms and guidelines and international instruments in the field of crime prevention and criminal justice helps States to translate them into practice.

31. Although there have been differing views on the current priorities of the Asia and the Pacific region, drug trafficking and abuse, organized crime, corruption, prison overcrowding and juvenile delinquency constitute major problem areas to which priority attention is being devoted by the Institute.

2. Comparative research and policy development

32. Reflecting its emphasis on training, the research activities of the Institute are mainly designed to meet practical needs, including those for

reference materials for training and seminar courses. Past projects carried out include a comparative survey of juvenile delinquency in Asia and the Far East and research on open correctional institutions in Asia and the Far East, forms and dimensions of criminality and criminal policy in Asian countries, crime trends and crime prevention strategies in Asia and the Pacific Region, alternatives to imprisonment in Asia, criminal justice in Asia, and the implementation of standard minimum rules for the treatment of prisoners in Asia. The Institute also holds workshops on various topics.

33. As the Institute has a small faculty, whose commitments range from logistical matters to substantive programmes for the three-month-long training courses, the active involvement of the staff in research is difficult. The possibility is being examined of inviting visiting researchers, on an ad hoc or regular basis, taking into account the financial implications involved.

3. Information and documentation services

34. The Institute has collected data and materials on crime trends, crime prevention and treatment of offenders from countries in Asia, Africa, the Pacific, the Americas and the European region. On request, the Information and Library Service has been providing materials and information to United Nations agencies, governmental organizations, research institutes and individual researchers, both domestic and foreign. Since 1971, the Institute has been publishing its biannual Resource Material Series. This series of publications contains contributions by visiting experts and participants in the training courses, and by staff members, on a variety of issues concerning crime prevention and criminal justice. The Institute also publishes newsletters three times a year.

4. Resources

35. The Institute's budget is provided through the Japan International Co-operation Agency (JICA), which is affiliated with the Ministry of Foreign Affairs. In 1992, the allotment for its principal activity, namely, training, amounted to approximately $325,000. The Asia Crime Prevention Foundation, a non-governmental organization that was recently granted consultative status with the Economic and Social Council, has also supported the Institute's activities, through direct financial contributions and through the provision of personnel.

36. All of the Institute's international training and seminar programmes within and outside Japan have been carried out under the financial auspices of JICA. Despite the fact that it has reported a growing demand for training opportunities on many occasions, it has had some difficulty in responding to this demand, owing to financial constraints and limited facilities. Its training programmes can only be implemented within the framework of the Official Development Assistance scheme established by JICA. At present, it does not have budgetary funds of its own at its disposal.

C. Latin American Institute for the Prevention of Crime and the Treatment of Offenders

37. The Latin American Institute for the Prevention of Crime and the Treatment of Offenders was established at San José by an agreement between the United Nations and the Government of Costa Rica signed on 11 June 1975. Its main purpose is to cooperate with Governments of the region in formulating

policies and taking action in the field of crime prevention and criminal justice, in line with the overall objectives and priorities of the United Nations crime prevention and criminal justice programme. Its work has been carried out within the framework of relevant legislative bodies.

38. In the 16 years since it was founded, the Institute has been able to promote an atmosphere of political will and cooperation at various levels, which has led to significant changes and reforms in criminal justice systems and crime prevention policies, as well as respect for human rights. It is implementing programmes and projects in close collaboration with supreme courts of justice, ministries of justice and the interior, attorney general's offices and other official institutions in various areas.

1. Comparative research and policy development

39. Research activities planned for 1992 include projects on public defence and the democratization of criminal justice in Bolivia, indigenous justice in Guatemala, strengthening of the rule of law and criminal justice in Central America and in Panama, criminal justice and freedom of the press in Central America and in Panama, and victimization surveys in developing countries.

2. Training and technical assistance

40. The Institute has organized regular training courses, workshops, seminars and conferences for criminal justice personnel. Over 100 seminars and symposia organized by it since 1975 have covered topics ranging from criminal policy development to the proper functioning of correctional institutions and the problems of juvenile marginality and delinquency. The International Meeting on the Criminal Abuse of Power, sponsored by the Institute in 1978, is considered to have been a ground-breaking contribution to the study of this problem.

41. The Institute's training programme includes seminars held in Costa Rica and training activities carried out elsewhere, in close cooperation with Governments and national criminal justice agencies. Currently, the Institute is involved in strengthening judicial training in the Dominican Republic, Ecuador and Honduras, in special training for the technical staff of the Ministry of Justice of Costa Rica in violence prevention and control, and in "popular" legal education in Costa Rica.

42. Technical assistance in implementing criminal justice strategies that apply United Nations recommendations and directives, and their adaptation to national development plans, is provided by the Institute to requesting Governments. The Institute's Agrarian Justice Programme, initiated in 1987, involves a series of studies, reports, conferences and courses aimed at improving agrarian justice and strengthening the institutions, mechanisms and procedures governing agricultural production. Examples of the areas in which it will be involved in 1992 include assistance in legislative reform in Costa Rica and Ecuador; modernization of the administration of the supreme courts (with a planning model developed in Honduras); a programme for the administration of justice in Nicaragua; a regional programme on effective countermeasures against drug offences and organized crime; a programme to combat drug abuse at the community level; women and criminal justice in Latin America; and the development of a national register of detainees in Peru.

3. Information and documentation services

43. The Institute's documentation centre and data bank serve as a regional clearing-house for crime statistics and criminal justice policies. The Institute has also devised a model for collecting, systematizing and updating information on current laws and jurisprudence. A computerized database is being established within the documentation centre, which works in close cooperation with national and local libraries. Currently, it is carrying out a project on the strengthening of juridical libraries throughout Latin America, and one on the extension of the judicial statistics information system of the Dominican Republic.

44. It issues six non-periodic publications each year. Among its notable publications is El Preso sin Condena ("The Unsentenced Prisoner") and ILANUD al Día ("ILANUD Today"), a journal that contains articles and reports on criminology and penal science by noted contributors from within and outside the region. Responding to the need for reliable figures on the case-flow within judicial systems, the Institute has developed a manual, entitled Establishment of an Integrated System of Statistics on Criminality (published in 1983).

4. Resources

45. The Institute's total budget covers operating and administrative expenses. Regional and country-specific activities are viewed as specific projects. Although the Institute is able to provide services to States and meet (although not completely) the heavy and continuous demand, budgetary restrictions create problems for programme coordination, long-term projection of activities and assurance of the permanence of programmes and technical, administrative and support personnel.

46. Funding is derived from voluntary contributions from Governments in the region and private and international funding by agencies such as the United Nations Development Programme (UNDP). The host country continues to provide the facilities and the salaries for staff, as well as annual funds for operational costs. The annual financial resources for regular operational costs total $80,000, supplemented by funds earmarked for specific projects from UNDP, the United Nations International Drug Control Programme (UNDCP), the United States Agency for International Development (AID), the Commission of the European Communities, the Spanish International Cooperation Agency, JICA, the Norwegian Agency for International Development Authority (NORAD), the Swedish International Development Authority (SIDA), and the Ministry for Foreign Affairs of Switzerland (Directorate of Cooperation for Development). Financial support for projects is also provided by 13 Governments in the region, by countries in other regions and by international organizations (for example the Organization of American States, the Inter-American Institute of Human Rights and the Henry Dunant Institute).

47. Financial resources are very limited and the Institute has not been able to secure a stable and permanent financial base that would enable it to comply fully with the mandates of the United Nations and to follow-up on many of the activities initiated in its work programme. On the basis of an assessment made by the Director in 1991 for the preparation of the report of the Secretary-General on the African Institute for the Prevention of Crime and the Treatment of Offenders and other United Nations institutes for crime prevention and criminal justice (A/46/524), it was estimated that United Nations financial

assistance of about $600,000 was required from the regular programme for the Institute's operations in 1992.

48. The Institute's directorate has a comptroller's office, a project planning and control office, a training unit and a documentation centre with a permanent professional staff of 13 persons responsible for formulating, carrying out and evaluating specific projects. The Institute also has a technical council of 10 experts from the region, which assists the management in an advisory capacity in formulating policies, reviewing plans of action and preparing the budget and annual reports. It also has two scientific councils, one regional and the other international. Made up of 56 renowned, prestigious scholars and experts, these councils support the management in orienting and providing technical guidance.

D. Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations

49. The Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, was established in 1981 and became operational in autumn 1982. The objective of the Institute is to promote the exchange of information on crime prevention and control among European States. Its functions are outlined in the 1981 Agreement between Finland and the United Nations. Since its inception, it has worked in close cooperation with the other institutes and with the Crime Prevention and Criminal Justice Branch in the planning and implementation of its programme of work.

50. As a result of the fundamental social, political, legal and economic changes in central and eastern Europe, which have been accompanied by a burgeoning rate of crime and by a heightened public fear of crime, the Institute is intensifying its efforts to serve as a channel for providing central and eastern European States with assistance in the crime prevention and criminal justice field.

1. Comparative research and policy development

51. The Institute has carried out a number of European surveys on issues of importance for policy development and practical decision-making in the region and for the United Nations crime prevention and criminal justice programme. The subjects have included prosecutorial principles, alternatives to imprisonment, crime prevention measures, juvenile delinquency and victim policy. Several of the surveys have formed the basis of reports of the Secretary-General to the United Nations congresses on the prevention of crime and the treatment of offenders. The work done by the Institute on computerization and criminal justice administration is particularly important.

52. At present, it is engaged in research on the protection of the environment, the prevention of domestic violence, prison health services, organized crime, and the reform of criminal law. In some areas in Europe, the local and national research capacity may be insufficient. In such cases, it seeks to provide assistance in research, usually by commissioning outside research expertise.

2. Training and technical cooperation

53. When specific needs have been determined, the Institute identifies experts who could provide the necessary technical assistance, and to finance

their services in target countries. This approach has been used, for example, in providing technical assistance on the computerization of the administration of criminal justice, and on police matters. The Institute also seeks to identify potential sponsors to assist in the funding of such services.

54. The project on the computerization of the administration of criminal justice, which has been carried out in close cooperation with experts from the Ministry of Justice of the Netherlands and the Department of Justice of Canada, is an example of the Institute's practical approach. It has also initiated a project together with the Departments of Justice and Communications of Canada for the extension of international cooperation in the protection of cultural heritage.

55. Following the model successfully pioneered by the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and ASSTC, the Helsinki Institute is considering the organization of seminars, on a bilateral basis, with individual States. It would have the primary responsibility for the substantive content of courses, which would be geared to a specific personnel category. Course presentations would be made by officers of the Institute and of the United Nations Secretariat, as well as other experts.

56. The Institute is considering expanding its scholarship programme in order to provide practitioners and researchers in one country with the opportunity of visiting their counterparts in other countries to discuss issues of common concern.

3. Information and documentation services

57. The Institute has done work in connection with the development of the global information network on crime and criminal justice and has cooperated with the World Criminal Justice Library at Rutgers University School of Criminal Justice in the United States of America. It funds the start-up of members of the network in various European countries and tries to ensure that information on the documentation available through the World Criminal Justice Library reaches the appropriate agencies and institutions throughout Europe. Its own modest library is now being computerized in order to increase the effectiveness of information retrieval and to promote international information-exchange.

58. Its principal publication series consists of the reports of meetings and seminars, of European surveys of various criminal justice issues, and of collections of articles. It has also published regional reports on the results of the United Nations surveys of crime trends, operations of criminal justice systems and crime prevention strategies, and a series entitled "Criminal Justice Systems in Europe", the reports of which provide a general description of the operation, functions and profiles of national criminal justice systems. It publishes a biannual Newsletter, reporting relevant developments in international crime prevention and control. Among its features is a listing of the "grey literature" available either directly from the authors or from the Institute.

4. Resources

59. Funds are contributed primarily by the host Government, which covers the cost of the premises, salary of the staff and most of the programme

activities. The agreement establishing the Institute envisages, however, that Governments of the countries of the region would participate in and support its operations. The Governments of Denmark, Norway and Sweden have consistently provided annual financial support. Other countries have provided support through their cooperation in the substantive and organizational preparation of various projects and meetings. In addition, several Governments have funded specific projects.

60. The Institute has five full-time staff members (a director, one senior researcher, two programme officers and an office secretary) and one person part-time (a librarian). The annual financial resources for operational expenses total approximately $160,000, with annual contributions from Denmark, Norway and Sweden amounting to approximately $60,000.

E. African Institute for the Prevention of Crime and the Treatment of Offenders

61. The African Institute for the Prevention of Crime and the Treatment of Offenders is the newest regional institute, having been established in 1987. It is located at Kampala, and operates under the auspices of the Economic Commission for Africa (ECA), with financial assistance from UNDP.

62. According to its statutes, the Institute's objective is to help the countries of the African region to formulate policies and programmes for crime prevention and criminal justice within the context of overall plans for national development. It seeks to promote this objective through policy-oriented and problem-oriented research, training, advisory missions to requesting Member States, the promotion of innovative approaches to crime and delinquency prevention and control, and the establishment of an information network for the African region.

63. During its initial phase of activity, it concentrated on becoming operational and conceptualizing substantive research, training and documentation activities. Important training courses have already been organized on crime prevention and criminal justice planning, the prevention and treatment of juvenile delinquency, and the prevention of economic and organized crime. Seminars are currently being prepared on planning, on victims of crime and on the prevention of delinquency.

64. On the basis of its experience and consultation with leading experts and policy makers in Africa, its priority issues are: the creation of a database on crime, criminal victimization and the administration of justice, through a survey to be conducted in 1992/93; the establishment of a stable structure and system at the national level for the regular collection, processing and analysis, and the publication and dissemination, of valid and reliable data; and training of middle-level criminal justice personnel at the national level, as a prerequisite for other programme areas.

1. Research

65. Research initiatives include: the adaptation of the Manual for the Development of Criminal Justice Statistics to the needs of African countries; a pilot project for the collection of comprehensive crime statistics; a study on the harmful impact of the new forms and dimensions of criminality; a survey of criminal penal law and procedure in countries of the region; a study on the relationship between development and criminality; and a feasibility study on

the establishment of a regional information network to link up with the information network on global crime and criminal justice. The Institute held, from 16 to 19 December 1991, a training and coordination workshop on the survey of crime, victimization and justice administration in Africa, and a pilot survey is scheduled for the first quarter of 1992.

2. Technical cooperation

66. At this stage, given the special circumstances of the African region, the general role of the Institute in the United Nations crime prevention and criminal justice programme is to increase awareness of the Programme. It is seeking to provide the appropriate authorities of Governments in the region with a forum where they can consider and implement, within their means and resources, the crime prevention and criminal justice policies and programmes of the United Nations, in accordance with their national circumstances.

3. Resources

67. The Institute currently has a substantive staff of four officers; two additional positions (in research) are dependent on the receipt of funds for that purpose. In addition, there is a support staff of two persons. The total 1992 allotment of $200,000 provides $25,000 for operational activities, including equipment and travel. The host country provides the premises and requisite facilities and has made special efforts to expedite the renovation of the Institute's headquarters.

68. Funding of technical assistance in a number of priority areas, including the proposed survey, training of personnel at the national level, small-scale research, services of experts, data processing and instructional equipment and facilities, is seriously lacking.

69. Funding derives largely from UNDP. As recommended by the General Assembly and the Economic and Social Council, UNDP approved a grant of $250,000 for preparatory assistance to cover the Institute's activities during its initial phase of operations in order to establish the basic infrastruture and *modus operandi* to initiate activities. As stipulated in its statute, assessed contributions are intended to meet the Institute's infrastructural and administrative requirements, as well as long-term programme needs, and its operational activities are to be funded by UNDP.

70. The present financial situation is precarious, as the majority of States of ECA either have not yet paid their assessed contributions or have paid only part of them. The Economic and Social Council, in its resolution 1990/19, acknowledged the economic constraints on African States that made it difficult for them to meet their financial obligations to the Institute and urged UNDP to provide adequate funding on an assured, predictable and continuous basis for a minimum of six years, subject to biannual evaluation of performance by its Board and by the (former) Commictee on Crime Prevention and Control. Similar calls were made by the Eighth Congress and by the General Assembly, in its resolution 46/153, in which it invited the international community to assist the Institute. In May 1991, the Governing Board examined the Institute's financing, stressed the pressing need for the assessed contributions from States of the African region to be made and called for the assistance of UNDP, which pledged support of $2,013,716 throughout 1993.

71. On the basis of the report of the Secretary-General (A/46/524), the General Assembly, at its forty-sixth session, adopted resolution 46/153, by which the Secretary-General was requested, in paragraph 2, "to ensure that sufficient resources are provided to the Institute within the overall appropriations of the budget for the biennium 1992-1993 to enable the institute to carry out, in full and on time, all its mandates". In the statement of financial implications submitted by the Secretary-General (A/C.3/46/L.74), a number of proposals were made in respect of the implementation of resolution 46/153, on which a report would be submitted to the Assembly at its forty-seventh session. The approaches considered included a redeployment of resources and provision of resources through additional appropriations from the regular budget. Taking the 1991 budget of the Institute as a base, apart from voluntary contributions, a grant of $180,000, representing half the contribution of African Member States, could be provided as a grant under section 23 of the proposed programme budget for the biennium 1992-1993. Such a grant for 1992 would help to cover the administrative costs of the Institute.

72. The financial base of the Institute, though, requires considerable further attention, as emphasized by the General Assembly in its resolution 46/152. In the information provided in 1991 by the Institute's Director for the preparation of the report of the Secretary-General to the General Assembly at its forty-sixth session (A/46/524), it was estimated that the Institute's annual recurrent budget, including core staff and administration, would amount to approximately $800,000.

III. ACTIVITIES AND TERMS OF REFERENCE OF OTHER ASSOCIATED INSTITUTES

A. Arab Security Studies and Training Centre

73. ASSTC was established at Riyadh in 1978 by a decision of the Second Meeting of the Council of Arab Ministers of the Interior. Both an intergovernmental organization and a specialized regional centre servicing the Arab world, ASSTC operates under the aegis of the Council of Ministers of the Interior of the League of Arab States and is governed by a Board of Directors headed by the Minister of the Interior of Saudi Arabia. It works in close partnership with the bureaux of the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice of the League, carrying out various activities on their behalf. It is represented at the League's pertinent meetings, including those at the ministerial level, and plays an important role in cooperation among the Gulf States in matters of crime prevention, criminal justice and security.

74. The Centre assists Arab States in the context of the Islamic legal system, and participates in international efforts to prevent crime and victimization, maintain security and peace, promote sustained development in the context of socio-economic and cultural conditions and foster justice. Its approach is cross-sectoral and interdisciplinary.

75. ASSTC continues to cooperate closely with the Crime Prevention and Criminal Justice Branch and, over the years, has become an integral partner in the work of the crime prevention and criminal justice programme network. A particular focus of the Centre's activities is programme network coordination, and it has acted as host to the series of annual joint programme coordination meetings in Saudi Arabia since 1985. It works closely with the relevant authorities and officials of 21 Arab States on the implementation, translation

and dissemination of the work and policies of the United Nations, at the field level, in crime prevention and criminal justice and in drug control.

76. It also works closely with UNDCP and continues to participate actively in the drug control-related meetings. In its capacity as the designated collaborating Regional Training Centre for the Arab World, the ASSTC forensic laboratory carries out activities in line with the programme of the UNDCP Scientific Laboratory and the Training Unit. In pursuance of relevant drug control resolutions, ASSTC collaborated with UNDCP in its development of the United Nations Drug Law Enforcement Training Manual: A Guide for Law Enforcement Officials, is in the process of designing training courses, based on the Manual, to be conducted at its Headquarters, and acts as a cooperating institution in the formulation and implementation of international and regional training strategies, programmes and plans.

2. Comparative research and policy development

77. In its comparative research and policy development and evaluation activities, the Centre has direct access to high-level policy makers and decision makers in the region and holds consultations with them. Its research findings are used directly by national and regional agencies. It uses an extensive database and roster of highly qualified experts, researchers and scholars, some of whom work periodically at the Centre. Since the Research Centre began its operations in 1981, 96 research projects and studies have been designed and implemented.

3. Technical training and graduate education

78. The training needs of security personnel and criminal justice professionals are met by specialized training programmes designed to upgrade professional skills and enhance operational performance in a collaborative way. The technical training and education programmes of the Centre reach senior policy makers and decision makers in the Arab world, and have a direct impact on policy at the national, subregional and regional levels.

79. Training is offered through the ASSTC Graduate School of Criminal Justice at the Higher Institute of Studies, which offers advanced academic programmes. From the time of its establishment in 1983 until the end of 1991, the Graduate School awarded 490 Master's degrees and 290 other diplomas, constituting a significant contribution to professional criminal justice education in the region. The ASSTC Training Institute offers short-term training courses, which are practically oriented towards problem-sharing and problem-solving.

80. The ASSTC Forensic Science Laboratory offers practical, highly specialized courses for the laboratory personnel of Arab States. It supervises the Forensic Science training of students from its Graduate School and trainees from its Training Institute, and conducts advanced courses on the identification, detection and analysis of narcotic drugs. On the basis of an agreement between the Centre and UNDCP, the ASSTC Laboratory was granted the status of a regional laboratory for the training of Arab candidates holding a United Nations fellowship in drug identification.

4. Technical cooperation

81. ASSTC promotes subregional, regional and interregional technical cooperation in crime prevention and criminal justice, suited to the needs of

Arab States. Its Consultative Services Department provides consultancy services, upon request, and it has appointed a regional adviser in crime prevention and criminal justice. The Consultative Bureau of International Experts assists in this work, and a roster is kept of experts, who are called upon to act as consultants to the Bureau. Consultancy field services provided recently include the drafting of a law on the prevention of juvenile delinquency for Qatar, a study on the prevention of the forgery of Sudanese passports for the Ministry of the Interior of Sudan, a model for a unified academic system in Arab police colleges, and a design for traffic control on the bridge between Saudi Arabia and Bahrain.

5. Specialized literature and documentation services

82. ASSTC maintains an extensive, highly specialized library, and its Computer Centre collects, stores and analyses statistics and other forms of information, and stays "on line" with various major information systems and databases around the world, providing access to several international databases. It maintains security data banks, including one on existing laws and regulations and one on criminal statistics. The ASSTC publishing house publishes a number of ASSTC periodic journals and newsletters, including The Arab Journal for Security Science (biannual), The Arab Journal for Training (biannual), the ASSTC Magazine (monthly), and the ASSTC Newsletter (in English), as well as ASSTC books, reports and other material.

6. Conferences, symposia and public exhibitions

83. Conferences, symposia, expert meetings and public lectures are regularly held by the Centre for the benefit of both professional and public audiences. The Centre has an ongoing programme series of public education and awareness campaigns, lectures and round tables on various issues. It also organizes permanent and periodic exhibitions, introducing the latest innovations, equipment and technology in crime prevention and security and safety.

7. Resources

84. ASSTC funding derives from the contributions of Arab States. The total 1992 budget amounted to $11,000,000, 25 per cent of which is allocated to staffing, and 75 per cent is distributed among the various programmes.

B. Australian Institute of Criminology

85. AIC was established in 1971. It provides a range of policy-related research and allied services to all Australian governments, criminal justice agencies and other client groups. A memorandum of understanding was signed between the United Nations and the Institute in 1989, as a result of which AIC cooperates closely with the United Nations crime prevention and criminal justice programme.

1. Comparative research and policy formulation

86. Reflecting its principal function as a policy research body, AIC conducts empirical research on a wide variety of topics. Current examples of regional and interregional activities of this type include an examination of the administration of environmental laws and regulations in ten states, participation in the Second International Crime Survey (a victimological survey in collaboration with the Government of the Netherlands and other Governments), and

involvement in crime victimization surveys in several urban areas (in collaboration with the Government of Papua New Guinea). AIC has done pioneering research work on a number of key criminological issues, such as domestic violence, and on research methodology, particularly in respect of crime and victimization.

87. In addition to its international activities, AIC has a dynamic programme of domestic research. It has identified for corporate planning purposes a number of priority areas of research for the period 1992-1995, including violence, drugs, environmental issues, fraud control, and national and international crime prevention strategies. The research strength of AIC lies in its capacity to conduct various types of cross-cultural research within and outside Australia. It has conducted considerable research on indigenous populations in relation to justice issues and administration.

2. Training and technical cooperation

88. In addition to the technical cooperation that AIC can offer, the Institute is in the process of initiating a fellowship programme for senior criminal justice practitioners within Australia. It is hoped that this programme can be extended to other practitioners within the region should funding become available from Australian foreign aid sources. It is also hoped that exchange programmes can be fostered between the AIC research staff and the staff of the Secretariat and of the other institutes.

3. Information and documentation services

89. AIC has an extensive library with a well developed computerized database, with interlinkages to other national and international databases, including the global information network on crime and criminal justice. The AIC library staff have already provided technical assistance to interregional and regional institutes, a service that AIC plans to continue. In addition, the Institute has been requested by the Australian Government to maintain specific clearing-house functions on violence prevention programmes, the acquired immunodeficiency syndrome (AIDS) in prisons, and drug issues. The benefit of these clearing-house functions and of the library at large will be made as widely available as possible.

90. AIC has an extensive publications programme. Its publications include Criminology Australia, Trends and Issues, and Facts and Figures. It offers its expertise in this area in order to facilitate the information-dissemination activities of the United Nations. As is the case of other AIC activities, however, some degree of cost recovery has to be incorporated in most forms of assistance.

4. Conferences and seminars

91. AIC has a regular programme of conferences and seminars. Most of them are organized in different locations within Australia on a cost-recovery basis. It is proposed to hold at least one meeting each year outside Australia, within the region, in collaboration with other institutions. International meetings are currently being planned with the Indonesian Society of Criminology ("East meets West: International Trends in Crime and Criminal Justice"); the Faculty of Law of the Hong Kong City Polytechnic and other bodies ("Crime and Criminal Justice in a Time of Transition"); and the Ministry of Justice of New Zealand (on important criminal justice issues within the South Pacific region).

92. For over a decade AIC has acted as the secretariat for the Asia and Pacific Correctional Administrators' Conference, which holds annual meetings within the region. In addition, in collaboration with the World Society of Victimology, AIC will be a sponsor of the Society's next international symposium, to be held at Adelaide in 1994.

5. Resources

93. AIC funding is provided principally by the Australian Government, and is supplemented by revenues from cost-recovery activities, including contract research, conferences and publications. The current annual budget is approximately $A 3 million, most of these funds being committed to fixed costs of the Institute's infrastructure (for example the premises and salaries). The remaining operational budget totals some $A 500,000, which is supplemented by some revenue-producing activities. The permanent staffing level is currently set at about 45 persons, with additional personnel employed on a contractual basis.

C. International Centre for Criminal Law Reform and Criminal Justice Policy

94. The newest addition to the crime prevention and criminal justice programme network is the International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver, established in 1991. Its programme focuses on research and other activities related to the development and reform of criminal law. The Centre was founded by the Society for the Reform of Criminal Law, Simon Fraser University and the University of British Columbia in February 1991, through and with the support of the Government of Canada. In July 1991, the Government of Canada entered into a memorandum of understanding with the United Nations regarding the role of the Centre, in pursuance of Economic and Social Council resolution 1991/15.

95. The Centre is still in the process of establishing its organizational structure and its first work-plan. A number of factors will shape its activities in the coming years. The first is the strong commitment to criminal law reform, both in individual jurisdictions and internationally, inherited from the Society for the Reform of Criminal Law, which in turn grew out of the Law Reform Commission of Canada. It has a close working relationship with the Legal Division of the Commonwealth Secretariat, and from the Asian Legal Studies Centre of the Faculty of Law of the University of British Columbia, considerable experience in comparative legal work.

1. Programme components

96. The Centre's role is to assist the United Nations and Member States in matters of criminal law reform and development. In its initial phase of operations, it is focusing its work on two principal areas. The first is women and criminal justice. It envisages acting as host to a meeting of experts on the draft manual on domestic violence for practitioners, with the Secretariat and the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, in cooperation with the Department of Justice of Canada. The Commonwealth of Learning, the Commonwealth's distance education agency, at Vancouver, has expressed an interest in working with the Centre to further public education initiatives that emerge from the meeting of experts.

97. The second principal area of concentration is on criminal justice and indigenous populations. This will begin with a comparative examination of the criminal law and the actual administration of justice, as it relates to aboriginal populations, and will then extend to a general examination of the role of customary law in the administration of criminal justice, especially as it interacts with statutory law. In 1992, a workshop on corruption will be held in the Caribbean area based on the manual on practical measures against corruption (A/CONF.144/8), prepared for the Eighth Congress.

98. The Centre is assisting the Commonwealth of Learning in promoting Commonwealth-wide cooperation in continuing judicial education, using distance education techniques. A meeting will be held at Vancouver in March 1992, which will bring together those responsible for continuing judicial education in order to discuss means of cooperation in the use of modern communication technology.

2. Resources

99. Resources are expected to come from a mix of public and private sources, from its founders and other contributors. It has already obtained grants from the Canadian Department of External Affairs and International Trade and from the Vancouver Foundation, one of the largest civic foundations in North America.

IV. CONCLUSION

100. The crime prevention and criminal justice programme network represents an invaluable resource of knowledge, experience and expertise, which can be used to assist States and their agencies, as well as the extensive constituency of criminal justice professionals in the various regions, in their search for solutions to crime problems. The potential of the network, though, has yet to be fully realized.

101. The resource base of the network is limited and makes it difficult for the network to meet its obligations to Member States. It also restricts the capacity of the network to assist the Secretariat in its global tasks. The financial vulnerability of some of the institutes, and the contribution-tied priorities of others, have affected their overall performance and the impact of the United Nations crime prevention and criminal justice programme.

102. That the programme network has contributed as much as it has is testimony to its commitment and good will. This is particularly the case in respect of the preparatory work for the United Nations congresses and the sessions of the former Committee on Crime Prevention and Control, including documentation, the interregional and regional preparatory meetings for the congresses, and the convening and servicing of these meetings. The network has also contributed substantively to publications and other materials on criminal policy questions, and the periodic information needed for internal reporting procedures.

103. The attempt of the more established and financially sound institutes of the network to help others which are less endowed, for example by sponsoring joint endeavours, is evidence of their solidarity and mutual support. For example, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and ASSTC helped the African Institute

for the Prevention of Crime and the Treatment of Offenders to launch the initial phase of its activities. To fulfil the essential purposes of the Institute to give needed assistance to Member States in their regions, the network must, however, be helped to become self-sustaining. For the institutes in developing countries, a more stable financial base is absolutely essential.

104. To make the network viable, support is needed for strengthened and consolidated action on the part of the Secretariat. The Secretariat's support requires continuous advisory, monitoring and follow-up action. Effective coordination of the institutes' work programmes and activities is necessary to programme performance and impact.

105. A coordination mechanism has been established and maintained by means of the annual joint programme coordination meetings, generously hosted by ASSTC. The meetings have proved a valuable contribution to the coordination effort but have not led to a consolidated alignment of programme activities within the framework of the programme budget and medium-term plan, partly because of the competing priorities of the institutes, as determined by the voluntary contributions received.

106. Consultations have also been carried out, on an ad hoc basis, at meetings held under United Nations and other auspices. Owing to the lack of funds, however, especially for travel of backstopping officers to the institutes, the Secretariat has been seriously handicapped in establishing structured, regularized intra-institute consultations geared to planning, monitoring and evaluating programme activities and service delivery. No provision of regular budgetary resources has so far been allocated to permit such a procedure.

107. In an effort to render tangible assistance to the network, in pursuance of the numerous legislative mandates, as well as to ensure the necessary collaborative action, additional resources are needed to establish and maintain the necessary interfaces between the Secretariat and the network. These include on-site backstopping, overseeing and coordination of the activities of the institutes, particularly in connection with technical assistance included in country and regional projects, training programmes, joint research, planning and evaluation exercises, as well as fund-raising. A strengthened programme capacity would also facilitate the fulfilment of these tasks to the benefit of all concerned.

108. The heavy workload and scant resources at the disposal of the United Nations crime prevention and criminal justice programme have limited the assistance it has been able to give to the network. The lack of resources has particularly affected regular consultations and the intensification of intra-institute exchanges, as well as exchanges with the Secretariat to secure the necessary level of cooperation in a more formalized way.

109. Properly assisted, the network would fulfil its potential and operate at full capacity, as an integrated system and a practical operational tool to promote security and sustained development, prevent crime and victimization and safeguard human rights, as envisaged by Member States, particularly in General Assembly resolution 46/152 and its annex. The Commission's guidance is sought on ways in which this aim can be fulfilled.

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STRENGTHENING EXISTING INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE, INCLUDING TECHNICAL COOPERATION IN DEVELOPING COUNTRIES, WITH SPECIAL EMPHASIS ON COMBATING ORGANIZED CRIME

Note by the Secretary-General

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*E/CN.15/1992/1 and Corr.1.

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INTRODUCTION

1. The present note provides a brief summary of the activities carried out in response to General Assembly resolutions 45/107, 45/121 and 45/123. It also contains an overview of further action required for effective implementation of these resolutions, with a view to enabling the Commission on Crime Prevention and Criminal Justice to evaluate the results achieved so far, assess the means required to proceed further, and provide guidance on future action.

2. The Statement of Principles and Programme of Action adopted by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme and approved by the General Assembly in the annex to resolution 46/152 reflected the mounting concern of Member States about the deleterious effects of rising crime on progress and development. It was emphasized that there was an urgent need for the international community to accord priority attention to the development of effective countermeasures, strengthen existing international cooperation and explore new and commensurate responses to the growing internationalization of crime.

3. The role of the United Nations as the focal point for international cooperation in crime prevention and criminal justice was also recognized and, for this reason, it was deemed essential to strengthen the programme's effectiveness, improve its efficiency and establish an adequate support structure in order to enable it to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

I. INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Implementation of General Assembly resolution 45/107

4. The General Assembly, in its resolution 45/107 on international cooperation for crime prevention and criminal justice in the context of development and the annex thereto, made a wide range of recommendations.

5. Particular emphasis was accorded in paragraph 2 to the importance of international treaties and instruments containing provisions touching on crime prevention and criminal justice and to the need for Member States to implement fully the obligations deriving from them (thus reaffirming and adhering to the established international law principle of pacta sunt servanda). Practical application of their provisions would constitute the essential foundation for more effective prevention and control of transnational crime, through the advancement and further development of international law and the harmonization of national criminal laws.

6. The recommendations focused on specific forms of transnational crime, which, owing to their increasing occurrence and widening ramifications, present a challenge that many countries, particularly developing ones, have significant difficulties in meeting. In this context, they constitute a comprehensive blueprint for practical action, identifying the areas that require particular attention and specifying the modalities for the provision of assistance to Member States that lack the capacity to cope with the problems presented by transnational crime.

7. Implementation of the recommendations contained in the annex to resolution 45/107 implies a number of activities to be carried out in the near

future. There appears to be an urgent need for more technical cooperation activities and technical assistance, including the provision of expertise and appropriate training to solve problems, building on the valuable experience of countries that have been in the forefront of effective measures against environmental destruction. Exchange of information and the identification and further study of various methods and solutions to legal problems will be required. In addition, closer links will need to be forged with the United Nations Environmental Programme (UNEP) and other entities of the United Nations system, as well as other intergovernmental and non-governmental organizations that have a particular interest in the matter or carry out related activities.

8. It should be recalled that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted resolution 2, 1/ entitled "the role of criminal law in the protection of nature and the environment", in which it requested the Secretary-General, inter alia, to encourage the incorporation, where appropriate, in future international conventions for the protection of the environment, of provisions under which States would be expected to enact sanctions under national criminal law; to examine the possibilities of further harmonization of the provisions of existing international instruments entailing penal sanctions under national criminal law; and to prepare a report, in cooperation with UNEP, every five years on developments in the field of environmental criminal law. The Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, in cooperation with the Max Planck Institute for Foreign and International Criminal Law and the Crime Prevention and Criminal Justice Branch of the Secretariat, have organized a seminar on the policies of criminal law in the protection of nature and the environment, to be held in Germany in April 1992. The recommendations of the seminar are to be submitted to the United Nations Conference on Environment and Development later this year.

9. In paragraph 9 of the annex to resolution 45/107, the General Assembly recommended that the work carried out by the Crime Prevention and Criminal Justice Branch in the context of the efforts to combat illicit drug trafficking and related criminal activities should be strengthened. The pressing needs of Member States in this field call for practical assistance in developing appropriate preventive measures and in modernizing and harmonizing their national criminal legislation. Furthermore, technical cooperation activities are needed to provide the knowledge and expertise to strengthen interregional, regional, subregional and bilateral arrangements, such as mutual legal assistance and extradition. Practical assistance is also necessary in training judges and prosecutors, in the establishment of specialized courts and in the development of programmes for the protection of judges, prosecutors and witnesses. The existing cooperation between the crime prevention and drug control programmes should be expanded in order to permit coordinated action, which would maximize the effectiveness of joint initiatives.

10. In paragraphs 12 and 13, the Assembly called for the preparation of an inventory of preventive measures for such types of criminality as burglary, violent theft and street crime, on the basis of an in-depth assessment and evaluation of their effectiveness in various cultural, social, economic and political contexts, as well as an inventory of comprehensive measures for education on the prevention of victimization, and on the protection of, and assistance and compensation to, victims. These inventories are intended as technical material, to be used in relevant training activities at the regional and interregional levels. Their preparation would need to be continued. Practical assistance to requesting Member States would have to be provided for

implementation of the measures contained in the inventories, for the desired modifications of national policies and strategies, and for training of the personnel entrusted with their application.

B. Implementation of General Assembly resolution 45/121

11. In its resolution 45/121, on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly welcomed the decisions of the Eighth Congress and invited Governments to be guided by them in the formulation of appropriate legislation and policy directives and to make efforts to implement the principles contained in them and in the relevant instruments and resolutions approved by previous congresses.* The Assembly endorsed the decision of the Eighth Congress that priority attention should be given to specific practical measures to combat international crime over the forthcoming five-year period and requested the Secretary-General to use his best endeavours to review the resources required to enable the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat to discharge its responsibilities in accordance with the mandates and tasks recommended by the Eighth Congress. 2/

12. In its resolution 1991/15, the Economic and Social Council decided to give priority attention at its regular session of 1992 to crime prevention and criminal justice under a sub-item entitled "Crime prevention and criminal justice". In addition, the Council was requested by the General Assembly, in its resolution 45/121, to undertake periodically the review, monitoring and appraisal of the resolutions and recommendations of the Eighth Congress. For this purpose, the Committee on Crime Prevention and Control had been requested to examine the implications of the resolutions and recommendations of the Eighth Congress for the programmes of the United Nations system and to make specific recommendations on their implementation in its report to the Economic and Social Council at its first regular session of 1992. This issue has, accordingly, been placed on the provisional agenda of the Council for its regular session of 1992.

13. A detailed account of the activities required to implement the recommendations of the Congress was submitted to the General Assembly in the relevant report of the Secretary-General (A/45/629) and in the follow-up prepared for the forty-sixth session of the General Assembly (A/46/363), both of which have been made available to the Commission.

14. It should be recalled that a statement of programme budget implications related to the immediate requirements for the implementation of six of the resolutions of the Congress had been submitted to the General Assembly at its forty-fifth session (A/C.5/45/59). It referred solely to the activities to be carried out in 1991 and expressly indicated that future activities, which would be necessary for continued compliance with the above-mentioned resolutions, would be taken into consideration in the context of the programme budgets for subsequent biennia. Existing constraints, however, made it impossible to comply fully with this commitment in the context of the programme budget for the biennium 1992-1993. 3/ While the activities required to implement the

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*See also the report of the Secretary-General on the implementation of the resolutions and the recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/45/324).

conclusions and recommendations of the Eighth Congress, as well as those necessary to comply with other standing mandates conferred by the General Assembly and the Economic and Social Council, were included in section 21.D of the programme budget, 3/ the resources approved were not commensurate with the requirements.*

15. The present note refers mainly to the resolutions of the Eighth Congress that contain specific requests for technical cooperation activities. Major activities already undertaken are outlined and required action is indicated. It should be noted that, because of the inherent extrabudgetary character of technical cooperation activities, most of the activities needed to implement the relevant resolutions could not be included in the programme budget for the biennium 1992-1993, in spite of the fact that preparatory and support functions are required.

16. The implementation of United Nations crime prevention and criminal justice instruments, particularly the standards and norms dealing with the protection of human rights in the administration of justice, is a matter of serious concern. In fact, while application of these instruments rests on efforts at the national level, the dissemination, promotion and reporting work has to be done by the Secretariat. As already indicated at the Eighth Congress, the continued financial crisis the United Nations is confronting will not enable the Organization to implement adequately all the recommendations emerging from the congresses. There is, however, a compelling need for more resources to be allocated to permit expanded assistance to interested Member States. The political will of Governments should be translated into budgetary decisions. Unless this happens, the Organization and Member States will be prevented from taking a long-term approach to remedy this situation". (A/CONF.144/18, para. 10.) The Eighth Congress accorded primary attention to this issue and assigned high priority to the operational work required for this purpose. In its resolution 29, 1/ on the development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in criminal justice and crime prevention, the Congress requested the Secretary-General, subject to the provision of extrabudgetary funds, to convene an ad hoc group of experts charged with the task of submitting concrete proposals for promoting the implementation of existing standards; consolidating and rationalizing arrangements for the effective evaluation and monitoring of the implementation of United Nations norms and guidelines in the field of criminal justice; and improving the techniques to evaluate such implementation.

17. With the assistance of the Home Office of the United Kingdom of Great Britain and Northern Ireland, the Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines met at Vienna from 14-16 October 1991. The attention of the Commission is called to the proposals and recommendations of the Meeting, contained in addendum 4 to the present note.

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*See also the report of the meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme (A/CONF.156/2, para. 21).

18. In its resolution 28, 1/ entitled "Transfer of enforcement of penal sanctions", the Eighth Congress called upon the Secretary-General to encourage international collaboration in research with a view to the transfer of enforcement of penal sanctions. The elaboration of a model treaty on this aspect of international cooperation was viewed as a way of complementing other similar instruments adopted by the Congress and the General Assembly. An international expert group meeting was organized at Siracusa from 3-8 December 1991, in cooperation with the International Association of Penal Law and the Siracusa Institute for Higher Studies in Criminal Sciences, for the purpose of exchanging views and expertise on the question of transfer of enforcement of penal sanctions. The Meeting formulated a first draft of a model treaty, which is contained in addendum 3 to the present note.

19. One of the major preoccupations of the Eighth Congress was the growing transnationalization of crime. Intensified international cooperation on the subject was deemed crucial, building on the conclusions and recommendations of the Eighth Congress and the resolutions of the General Assembly on the matter. An ad hoc expert group meeting on strategies to deal with transnational crime was organized in cooperation with the Government of Czechoslovakia and the Ministry of International Relations of the Slovak Republic. It was convened at Smolenice, from 27 to 31 May 1991 and made concrete proposals and recommendations for practical action, which are contained in addendum 1 to the present note.

20. The Eighth Congress attached overriding importance to technical cooperation and the provision of practical assistance to Member States. This recurrent theme was repeated in the Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme (General Assembly resolution 46/152, annex).

21. In addition to the activities mandated by the General Assembly in its resolution 45/107, and those required under General Assembly resolutions 45/109-45/119 inclusive, there are a number of activities that should be undertaken in the near future in order to respond at least to the most urgent requirements of Member States for practical assistance in corresponding areas of primary concern, as they were identified by the Eighth Congress.

22. In accordance with the resolutions in which the Congress adopted the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Basic Principles on the Role of Lawyers, 4/ Governments should be provided, at their request, with the services of experts and regional and interregional advisers in the implementation of the Principles providing the requisite training and technical assistance. Furthermore, in resolution 26, 1/ by which the Guidelines on the Role of Prosecutors were adopted, the Secretary-General was requested to assist Member States, at their request, in the implementation of the Guidelines. Seen in conjunction with efforts leading to the implementation of other instruments, such as the Basic Principles on the Independence of the Judiciary, adopted by the Seventh Congress, 5/ endorsed by the General Assembly in its resolution 40/32 and welcomed in its resolution 40/146 and the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169, the practical assistance to be provided to Member States would constitute a substantive and comprehensive contribution to the improvement of their criminal justice system, enabling them to mount adequate responses to the threat posed by crime in its more sophisticated forms, while maintaining the rule of law and respecting fundamental rights.

23. In connection with the above, close cooperation was maintained with the Centre for Human Rights for the preparation of a fact sheet on human rights and police and a criminal justice training manual for police. The latter was a direct offshoot of a training course on human rights and crime prevention, which was organized in December 1991 in Malta for local law enforcement officers and cadets, with the cooperation of the United Nations Interregional Crime and Justice Research Institute (UNICRI).

24. In its resolution 7, 1/ on corruption in government, the Eighth Congress made recommendations on ways to prevent and control corruption, which was closely associated with other transnational crimes and had itself become transnational in nature, and emphasized the essential role that the United Nations should play in helping States to eliminate it. The manual on practical measures against corruption (A/CONF.144/8) was reviewed in order to incorporate comments and concrete examples and practices received from national correspondents, and was prepared for publication. A very preliminary draft of the code of conduct for public officials was also prepared and presented at the Fifth International Anti-Corruption Conference, held at Amsterdam from 8 to 12 March 1992, thus setting in motion the consultation process recommended by the Congress, in order to incorporate the views of Governments and experts; such a process is necessary if the draft code is to be tailored to contemporary concerns and needs, thereby increasing its responsiveness, adoptability and effectiveness. Both the revised version of the manual and the code, once fully developed, are intended to serve as reference material for Member States wishing to draw on them when implementing specific measures against corruption and devising appropriate strategies. They are also intended as basic material for training activities involving public officials and criminal justice personnel.

25. The instruments referred to in the previous paragraphs have proved successful in the context of peace-keeping and democratization operations that the United Nations has been called on to perform. In particular, a significant component of these operations consists of the organization of civil police forces and the supervision of administrative functions in transition periods. Reliance on these instruments would enable the United Nations to discharge its functions on the basis of principles that have acquired universal acceptance.

26. Resolution 1 of the Eighth Congress, 1/ on the prevention of urban crime, contains a full range of comprehensive measures intended to provide Member States with the basis for formulating appropriate and effective crime policies of a multidisciplinary nature. The Secretary-General, by a note verbale of 26 November 1991, requested Member States to provide information about crime prevention programmes and projects according to an outline prepared for this purpose, and replies are beginning to arrive. As requested in resolution 1, the United Nations extended its support for, and participation in, the Second International Conference on Urban Safety, Drugs and the Prevention of Urban Crime, held in Paris from 18 to 20 November 1991, which adopted a declaration that it submitted to the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme.

27. In its resolution 4, 1/ entitled "International co-operation and mutual assistance through training programmes and exchange of expertise", the Eighth Congress invited Member States to map out their spheres of expertise in the various areas of crime prevention and criminal justice, including, inter alia, the technical, investigative, planning and management fields, the law enforcement and correctional fields and the fight against terrorism and organized

crime. Requests have been addressed to national correspondents and the collection of the relevant information has begun. The potential of the lists of experts and areas of expertise is significant for strengthening international cooperation in crime prevention and criminal justice. Regularly updated data would permit Member States to keep in constant touch with developments and would greatly enhance the capability of the crime prevention and criminal justice programme to draw on the appropriate expertise to meet current needs as they arise, as well as increase its capacity to provide timely and practical assistance to Member States. In order to proceed further and make full use of this potential, however, more vigorous efforts would be needed to collect information and the necessary equipment should be made available for processing and updating such information.

28. In resolution 6, 1/ entitled "Use of automated information exchange to combat crimes against movable cultural property", the Congress requested the Secretary-General to make arrangements, in cooperation with Member States, intergovernmental and non-governmental and other organizations, for the establishment of national and international computer databases, to be used by the competent authorities for preventing and combating crimes against cultural heritage. Implementation of this resolution and the provision of practical assistance to Member States, particularly developing ones, to counter this form of crime, which strikes at the heart of the identity and cultural existence of many countries, would require a number of activities. Close cooperation and coordination of action would be necessary with Member States, other entities of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, in order to maximize the impact of joint initiatives and avoid overlap. Consultations are at present in progress with a number of Member States, including Canada and Italy, for the purpose of exploring the most appropriate course of action and the possibilities for funding, in order to proceed with implementation of this resolution. The urgency of the matter and the keen interest displayed by Member States suggest that, once established, the databases will be extensively used and could thus produce adequate income to facilitate their expansion and their use by Member States that need assistance. Their initial establishment, however, would require resources, including equipment, that are not available at present.

29. In resolution 18, 1/ entitled "Infection with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in prison", the Eighth Congress requested the Secretary-General, in collaboration with the regional institutes for crime prevention and control and the World Health Organization, to assist the prison administrations of requesting Member States in the development of national AIDS prevention and control programmes for the prison population and to promote international exchanges of information in this area; to encourage, as an integral part of the increased emphasis on prison education programmes, international cooperation in the elaboration and exchange of educational materials designed to prevent further spread of HIV infection in prison; and to elaborate guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS.

30. The issue of AIDS and the criminal justice system was also dealt with in various training seminars on the implementation of United Nations norms and guidelines, inter alia, the United Nations Standard Minimum Rules for the Treatment of Prisoners 6/ and the United Nations Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex). The Interregional Adviser on crime prevention and criminal justice also referred to AIDS-related questions in the course of a number of missions undertaken in 1991.

31. The increased vulnerability of the prison population to HIV infection and the resulting spread of AIDS, as well as concerns related to prison administrations and staff, have prompted many Governments to seek improved methods of curbing this trend and containing the situation as a first step towards effective prevention and control of the disease. There are, however, extensive needs in countries that lack adequate facilities and the resources to improve their response. Particular emphasis is accorded to the necessity of undertaking appropriate training activities and developing the material required for this purpose on the basis of the guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS, mandated in resolution 18 of the Eighth Congress. 1/ Exchange of information and provision of expert knowledge are crucial in this respect.

C. Implementation of General Assembly resolution 45/123

32. Organized crime continues to claim victories over earnest law enforcement and judicial efforts against it and is constantly striving to expand its illicit activities in new areas that offer potential for profit. It displays sophistication and remarkable versatility in its operations and appears to take full advantage of technological advances, drawing on a pool of vast resources generated by its various endeavours. Organized criminal groups are engaged in penetrating legal financial markets seeking to sanitize their illicit proceeds and to create the opportunities for control of entire sectors of national economies. Free from the traditional inhibitions of national authorities and impervious to constraints of sovereignty and national frontiers, organized crime has assumed transnational dimensions leading to the spread of such negative phenomena as violence, terrorism, corruption and illegal trade, and undermining the development process, impairing the quality of life and threatening human rights and fundamental freedoms.

33. Reflecting the growing concern of Member States, the General Assembly adopted resolution 45/123 in order to strengthen international cooperation in combating organized crime. The General Assembly called upon Member States, international organizations and interested non-governmental organizations to cooperate with the United Nations in organizing the International Seminar on Organized Crime Control. At the invitation of the Ministry of Internal Affairs of the former Union of Soviet Socialist Republics and with the collaboration of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, the International Seminar was organized at Suzdal, from 21 to 25 October 1991. After extensive deliberations it adopted a set of recommendations on practical measures against organized crime, which is submitted for the consideration of the Commission in addendum 2 to the present note.

34. Among the areas where there is an urgent need for increased and more effective international cooperation, money laundering figures prominently. In resolution 45/123, the General Assembly also invited Member States to make available to the Secretary-General, on request, the provisions of their legislation relating to money laundering, the tracing, monitoring and forfeiture of the proceeds of crime and the monitoring of large-scale cash transactions and other measures, so that they might be made available to Member States desiring to enact or further develop legislation in those fields. Accordingly, the Secretary-General, in a note verbale of 6 March 1991, invited Member States to provide any relevant material they might have on this matter. As of 1 March 1992, 30 States had replied to the inquiry. Intensified efforts were reported to prevent, prosecute and control those forms of criminal activity through the

modernization of national criminal laws and procedures and regulations on the transfer of funds or proceeds of organized crime across national boundaries.

35. The report on money laundering in addendum 5 to the present note contains an assessment of methods that have been used in a number of countries and an overview of existing international instruments. It is intended as resource material for the deliberations of the Commission on the matter, which would help it to plan any future activities it might deem appropriate. Member States will need assistance in modernizing their laws, in order to match the sophistication that characterizes the expanding operations related to the laundering of proceeds of crime. In addition, concerted international action will be necessary to eliminate money-laundering havens. Criminal justice personnel will need to be trained in new investigative methods that have proved successful in countries that have more advanced procedures for tracing, seizing and confiscating the proceeds of crime. Practical assistance will also be necessary to establish specialized investigative teams of experts in the various aspects of the problem and in the monitoring of transactions and the modernization of banking systems to comply with reporting and monitoring obligations; for this, exchanges of information and the provision of know-how and equipment will be needed.

36. Also in resolution 45/123, the Secretary-General was requested to include activities of the United Nations crime prevention and criminal justice programme, related to organized crime, in the United Nations System-Wide Action Plan on Drug Abuse Control (see E/1990/39 and Corr.1 and 2 and Add.1). The United Nations International Drug Control Programme has been regularly informed of the current and planned activities of the crime prevention and criminal justice programme, and information pertaining to such activities has been included in the Secretary-General's periodic reports on drug abuse control to the General Assembly. The System-Wide Action Plan for Drug Abuse Control is being kept under review by the Commission on Narcotic Drugs.

37. In accordance with the above resolution, the former Committee on Crime Prevention and Control had been requested to consider ways of strengthening international cooperation in combating organized crime, taking due account of the opinions of Governments, international organizations and non-governmental organizations, as well as opinions expressed at and decisions taken by the Eighth Congress, and to submit its views, through the Economic and Social Council, to the General Assembly at its forty-second session. The Commission may wish to take into account the recommendations contained in the addenda to this note in drafting this report.

38. As recommended by the Eighth Congress, the General Assembly adopted resolutions 45/116, 45/117, 45/118 and 45/119, containing, respectively, the Model Treaty on Extradition, the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters and the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released. In adopting the Model Treaties, the Assembly invited Member States, if they had not yet established treaty relations with other States in the respective areas, or if they wished to revise existing treaty relations, to take the Model Treaties into account. Member States were invited to make available to the Secretary-General the provisions of their treaty legislation, so that they might be made available, in turn, to Member States desiring to enact or further develop legislation in the fields concerned. In response to the Secretary-General's request of 25 March 1991, 10 Governments have so far provided information on their treaties.

39. The Eighth Congress adopted two resolutions on organized crime (resolutions 15 and 24). 1/ In resolution 15, the Congress recognized the need to establish effective technical and scientific cooperation, including exchanges of information, and invited the Committee on Crime Prevention and Control to study, with the participation of the specialized agencies, the need for, and the possibility and usefulness of, establishing a universal and/or regional register of judicial sentences that would record the sentences imposed for offences committed in a manner involving transnational modalities. Readily available information on judicial sentences would greatly enhance the capacity of law enforcement and judicial authorities to deal with problems of organized crime, as it would reveal the course of action taken by the competent authorities of other countries and expose patterns of organized and transnational criminal activities. The register would also prove an extremely useful source for comparative studies of the various approaches to the prevention and control of organized crime and for identification of those legislative measures that need to be harmonized if international cooperation is to be made more effective.

40. In resolution 24, the Eighth Congress adopted the guidelines for the prevention and control of organized crime and urged Member States to give favourable consideration to their implementation at both national and international levels, as appropriate. The guidelines place particular emphasis on technical cooperation it its various forms, with expanded advisory services, in order to produce a pool of common experiences and innovations and to assist countries in need. For this purpose, the United Nations Development Programme (UNDP) and other funding agencies of the United Nations system, as well as Member States, should be urged to strengthen their support for national, regional and international programmes addressed to the prevention and control of organized crime.

41. Practical assistance should be provided to Member States to help them modernize and adapt their legislation to current needs, devise specific strategies and methods that would improve their responses to organized crime and take steps to cooperate closely with other countries at bilateral, regional and interregional levels. Training of criminal justice personnel in new and improved methods of detection and investigation of organized criminal activities would also be necessary. With this in mind the United Nations crime prevention and criminal justice programme should draw up detailed programmes, collect and regularly update relevant information, and formulate and implement technical cooperation projects in accordance with the needs of the requesting Member States.

42. The Eighth Congress also dealt with terrorist criminal activities, another form of organized criminality, which poses a grave menace to social and political stability and claims increasing numbers of victims. In its resolution 25, the Congress placed at the disposal of Member States a set of measures against international terrorism, which, it was agreed, represented valuable guidance for appropriate, coordinated and concerted action against international terrorism at both the national and international level. The measures for international cooperation in the effective and uniform prevention and control of terrorism set out in the annex to resolution 25 included, inter alia, increasing the education and training of law enforcement personnel with regard to crime prevention and modalities of international cooperation in penal matters, including the development of specialized courses on international criminal law and comparative penal law and procedures, as part of legal education as well as professional and judicial training; and the development of both general educational and public awareness programmes through the mass media in order to

enlighten the public on the dangers of terrorist violence. Member States were encouraged to extend their bilateral extradition and mutual legal assistance arrangements on the basis of the model treaties adopted by the General Assembly in resolutions 45/116 and 45/117, and explore the possibility of increasing the scope of similar arrangements. The Congress also recommended that the (then) Committee on Crime Prevention and Control should have the opportunity to present its views on the work of the International Law Commission on the codification of aspects of international criminal law, which should be encouraged.

43. The United Nations was requested to lend its assistance to any country that suffered from terrorism to put an end to it, and to consider developing ways and means of encouraging prevention policies, strategies and action by States to ensure the effective implementation of international conventions, including enhanced cooperation at the law enforcement, prosecution and judicial levels. The Commission may wish to consider the necessary modalities and related activities for giving effect to these measures, for strengthening its cooperation with the International Law Commission and for rendering the recommended assistance to requesting Member States.

44. In resolution 27, on protection of the human rights of victims of crime and abuse of power, the Eighth Congress paid particular attention to the victims of transnational crime in all its forms, and requested the Secretary-General to study the feasibility of establishing an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crime. The Congress also recommended that the United Nations and other organizations concerned strengthen their technical cooperation activities in order to help Governments implement the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) and other relevant guidelines and to strengthen international cooperation in that respect.

45. Practical assistance to Member States in the protection of and assistance to victims would permit them to develop comprehensive responses and devise effective strategies against victimization through transnational and organized criminal activities. Such assistance would need to take the form of advisory services, as well as training, and other means for the transfer of knowledge and experience. A meeting on victims and the prevention of victimization is being organized under the aegis of the International Scientific and Professional Advisory Council, and collaboration is being extended to the Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see Economic and Social Council resolution 1989/13); it includes a meeting of experts held at Maastricht, Netherlands, from 9 to 13 March 1992.

II. CONCLUDING REMARKS

46. The activities outlined above reflect the acute needs of Member States in numerous areas of crime prevention and criminal justice. They also explain the call of the international community, as expressed in the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, and in General Assembly resolution 46/152, for a high level of priority to be given to the activities of the crime prevention and criminal justice programme within the

United Nations framework. There is, however, an apparent disparity between the need for practical assistance and technical cooperation activities on the one hand, and the availability of resources on the other. Furthermore, the general situation of crime, in its most dangerous forms and transnational dimensions, appears to be deteriorating, thus compounding these needs, while resources are diminishing. Therefore the gap, instead of closing, is widening. It is of the utmost urgency to reverse this trend if there is to be any possibility of effectively combating crime.

47. A fundamental purpose of technical cooperation is the creation of self-reliant capacities in developing countries. Strengthened technical cooperation in crime prevention and criminal justice should be viewed as a contribution to this end. Regular programme activities should be geared to developing expertise, especially in countries where it is scarce, and to promoting the highest standards of fairness, humanity, justice and professional conduct. Training and upgrading the skills of personnel working in the various areas of crime prevention and criminal justice is considered crucial. Adequate support of Member States in this field would require the identification of appropriate expertise and the development of material that would cater to the specific needs and circumstances of each region or each group of trainees. Furthermore, effective channels of communication are necessary in order to assess needs and prevailing circumstances, not only for tailoring training activities to these needs, but also for enabling the programme to undertake such activities in the form of a continuous process. Governments and funding organizations should be made sensitive to crime and development questions when formulating development assistance projects. In addition, developing countries should be made aware of the need to include crime prevention and criminal justice projects in the UNDP country and regional programmes.

48. While most technical cooperation activities rely on voluntary contributions from Member States and funding agencies, the infrastructure for elaborating proposals, assessing needs, organizing and implementing projects and providing administrative support and the required follow-up has to be developed and built into the basic structure of the programme. For example, full-time backstopping of advisory services is required, as well as increased and diversified efforts to identify resources and follow-up action. In the last two years, more than 50 requests for assistance and technical cooperation were received and about 30 missions were undertaken by the Interregional Adviser, whose services are available from the United Nations Office at Vienna, funded by the Department of Technical Co-operation for Development. A number of project proposals were formulated for the consideration of funding agencies, 7/ but only a small number could be implemented, because funds were not available.

49. Limited resources and the pressing work on implementing competing mandates have prevented the development of such an infrastructure. In addition, these constraints have hampered efforts to identify and establish working relationships with funding sources for technical cooperation projects and activities, in spite of the interest displayed at times on the part of funding agencies and Member States. In order to give tangible effect to the new orientation of the crime prevention and criminal justice programme towards the provision of timely and practical assistance to Member States, and to strengthen international cooperation in crime prevention and criminal justice, adequate solutions should be found to those problems. The Commission may wish to consider ways and means to this effect and provide its guidance and recommendations, also drawing on the addenda to the present note.

Notes

1/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

2/ Ibid., chap. I.

3/ Official records of the General Assembly, Forty-Sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. I.

4/ Eighth United Nations Congress ..., chap. I, sect. B, resolutions 1 and 2, respectively.

5/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

6/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.

7/ Crime Prevention and Criminal Justice Newsletter, Nos. 18/19, annex II.

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STRENGTHENING EXISTING INTERNATIONAL COOPERATION IN CRIME PREVENTION AND CRIMINAL JUSTICE, INCLUDING TECHNICAL COOPERATION IN DEVELOPING COUNTRIES, WITH SPECIAL EMPHASIS ON COMBATING ORGANIZED CRIME

Note by the Secretary-General

Addendum

Report of the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime, Smolenice, 27-31 May 1991

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I. RECOMMENDATIONS

1. The following recommendations were drawn up by the Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime for the attention of the intergovernmental working group on the creation of an effective international crime and justice programme and the Committee on Crime Prevention and Control, at its twelfth session.* They are drawn from the discussions of the substantive agenda items, as well as from the papers presented by experts and the United Nations or United-Nations-affiliated institutes for the prevention of crime and the treatment of offenders:

(1) The process of studying and combating transnational crime and crimes with transnational aspects should take into account a number of factors, such as the considerable changes in the political, economic and social situation in the world and the extensive development of international business activities, including the creation of common markets and other forms of integration. It should also take into account the vulnerability of national frontiers, the high level of modern communication, the expansion of the international banking system and resultant simplification of money transfer, the extensive use of computer technology, the universal spread of illegal business in arms and explosives, the growth in the number of enterprises producing and using radioactive and chemical substances and the extensive use of such substances, and the limited geographical reach of national laws and national law enforcement authorities, differences in legal systems, and the limited effect of international procedures for obtaining evidence, apprehension and extradition of offenders.

(2) In view of the political and economic changes taking place in many countries, including the newly emerging "market economies", new laws and regulations should be developed so as to be able to anticipate and respond to changing situations and emerging economic realities. Exchanges of information on, and experiences with, economic crime and its control by criminal sanctions should be intensified. Due consideration should be given to regulatory mechanisms as essential complements to penal sanctions.

(3) In view of the increasing seriousness and gravity of organized crime, terrorism and other transnational crimes, Governments should be encouraged to conclude bilateral and multilateral agreements to carry out or enhance the effectiveness of extradition proceedings and mutual assistance in criminal matters, using as a basis United Nations model treaties and other treaties and agreements concluded at the regional and international levels. The role of regional and subregional intergovernmental organizations in supporting the United Nations in this field would be essential. Appropriate coordination mechanisms should be established and maintained.

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*The Committee on Crime Prevention and Control was dissolved by the Economic and Social Council on 7 February 1992 (resolution 1992/1) upon the establishment by the Council of the Commission on Crime Prevention and Criminal Justice. The present report is therefore before the Commission at its first session.

(4) Countries should consider establishing a national organization with powers to plan and coordinate the domestic criminal justice and crime prevention programme. The composition of this organization should include representatives of the various relevant sectors of government and the community.

(5) Countries should agree to share information and intelligence on non-controversial matters. To facilitate such exchanges, countries should establish national databases with linkage to all other countries. A technical committee should be set up to overview these activities.

(6) Countries should study the practices on extradition prevailing in certain regional groups, for example the Council of Europe. This could help to eliminate the difficulties associated with the technical requirements that are the main obstacles to extradition being granted.

(7) National and international efforts to achieve more effective strategies to deal with transnational crime should focus on:

(a) Harmonization of legislation and avoidance of conflicts of jurisdiction that may result in serious transnational offenders escaping justice;

(b) Penalization of certain forms of behaviour to eliminate gaps in national legislation;

(c) Cooperation through extradition, mutual assistance, enforcement of foreign judgements, transfer of criminal proceedings, transfer of offenders, including designation of an appropriate coordinating authority to expedite the implementation of treaties;

(d) Integratation of the various modalities of international cooperation to provide better and more efficient results;

(e) Reassessment of traditional principles of international cooperation, such as reciprocity, double criminality, specialty, the political offence exception and the non-extradition of nationals and territoriality;

(f) A lessening of the divergence of national conceptions of criminal justice, including substantive law and procedural rules and practices, with due respect for human rights considerations;

(g) The sharing of law enforcement intelligence (information) and the increase of joint activities in inter-State law enforcement collaboration;

(h) The development of effective financial mechanisms to trace the proceeds of illicit activities;

(i) The development of subregional or regional "judicial spaces" with a view to exploring the possibilities for their expansion, in accordance with particular and specific emerging needs;

(j) The inclusion of international and transnational crimes in national legislation, in particular with a view to eliminating safe havens;

(k) Development of the means to prevent, detect, and prosecute abuses of power by public officials and other forms of corrupt behaviour;

(l) The development of education and training programmes in international criminal law at the level of legal education, as well as within public agencies;

(m) The development of specialized education and training of judges, prosecutors and law enforcement officials in the areas of transnational crime, money laundering and other economic offences, including corruption, and elaboration of the required training material;

(n) The development of regional centres to increase the availability of specialized library material, documents and research results, with the capacity to provide technical legal advice to countries of the region;

(o) Acceptance of the principle that all countries, regardless of how seriously they are affected by transnational crime, have to collaborate and share information on its nature and extent, to facilitate appropriate policy formulation and planning;

(p) The development of interfaces with existing international and regional networks such as the International Criminal Police Organization (ICPO/Interpol) and other international bodies;

(q) Strengthening of an awareness on the part of Governments and relevant national agencies of the important correlation between socio-economic development and crime control programmes, with appropriate budget and resource allocations, including international aid for crime prevention schemes.

(8) Efforts should be pursued to formulate effective strategies for dealing with environmental offences. An assessment of the administrative, civil and criminal laws enforced by different countries should be made in order to identify gaps and propose appropriate remedies. Adequate attention should be given not only to the sanctioning strategies but also to the prevention of environmental abuse and the protection of the environment.

(9) Efforts should be made to allow the widest possible distribution of information on stolen art objects so as to prevent their illegal sale, thereby effectively stemming the international traffic in movable cultural property.

(10) In order to benefit from both successes achieved and failures, an assessment should be made of the results of cooperation already undertaken to prevent use of the banking system and financial institutions for money laundering, including successful preventive measures. Initiatives such as the development by the Council of

Europe of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, which was opened for signature on 8 November 1990, should be encouraged and efforts should be pursued to develop a multilateral agreement with universal application. The model decree for confiscation is a very practical model, which could prove extremely useful in such an application (see annex I). A detailed analysis of its provisions is available from the Crime Prevention and Criminal Justice Branch.

(11) Efforts should be made to gather information on corruption and anti-corruption strategies, with a view to assisting Governments in combating corruption and in providing a basis for formulating more effective policies to deal with it. Emphasis should be placed on the formulation of curricula for anti-corruption training courses, benefiting, in particular, developing countries. In addition to research, training and technical assistance in the most advanced methods of corruption control through repression, equal attention should be paid to prevention and education. The efforts of independent commissions against corruption can be useful in devising controls in public administration and in increasing public intolerance for waste and corruption. In its resolution 7, 1/ the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders specifically requested the Department for Technical Co-operation and Development to provide assistance for such outreach, requested the Secretary-General to publish in all the official languages the manual on practical measures against corruption, which had already been prepared, and requested the Crime Prevention and Criminal Justice Branch to develop a draft international code of conduct for public officials for submission to the Ninth Congress.

(12) Recognizing that while bilateral and regional cooperation may provide mechanisms for specific arrangements to prevent or investigate certain types of transnational criminality, they cannot provide a comprehensive solution of matters of cooperation in combating serious forms of organized crime at the international level. Multilateral cooperation should be made more effective, through the United Nations, which has the general mandate and the international constituency necessary to provide countries with guidance and assistance in the prevention and control of transnational crime. This could be pursued in the context of a genuinely international crime and justice programme, which would be capable of responding to the challenges of such crime.

(13) United Nations surveys on crime trends should also include information on trends in transnational crime in order to permit an in-depth analysis of its scale, structure and dynamic, and of the extent of its material cost and potential social consequences. In the further development of the Global Crime and Criminal Justice Information Network, attention should be paid to the setting up of databases on transnational crime.

(14) The idea of establishing a world foundation on crime prevention and assistance to victims of transnational crime should be pursued. The proposed foundation could help to identify and mobilize financial resources in support of the implementation of international crime prevention and criminal justice programmes, raise

public awareness about crime trends and the rights of victims, develop innovative means of responding to technical assistance needs and provide financial support to victims.

(15) The United Nations crime prevention and criminal justice programme should aim at developing the new mechanisms, procedures, conventions and institutions necessary to combat crime with transnational aspects and dimensions and to assist Governments in reducing domestic crime. For example:

(a) This could, in particular, include assistance to countries in:

(i) Gathering information on, and analysing, the incidence of crime and the efficacy of the response to crime;

(ii) Preventing crime and helping victims of crime;

(iii) Enhancing the criminal justice process through improved methods for the investigation of crime and developing pre-trial, trial and appellate review procedures;

(iv) Improving the administration of sentences and the re-integration of offenders into society and the control of recidivism;

(b) On the international level, the mandates should include:

(i) The drafting of international conventions, declarations and recommendations pertaining to the definition of international offences;

(ii) The enhancement of existing cooperative mechanisms and the development of new ones, including such mechanisms as mutual assistance and extradition;

(iii) The organization of trainee programmes for developing countries;

(iv) The drafting of model penal provisions dealing with selected offences;

(c) The mandates should further include the development and encouragement of coordinated subregional, regional and international activities from the investigative to the adjudicative stages, including ascertainment of the practicality of establishing subregional and regional penal tribunals with transferred jurisdiction, in order to meet more effectively the problems of particularly severe domestic crime and of crime transcending national frontiers;

(d) Consideration should also be given to coordination by the United Nations of cooperative arrangements at the bilateral level, including the exchange of crime prevention and criminal justice personnel, such as police officers at different levels, who could in

this manner conduct comparative studies in the area of criminal investigations into drug-trafficking and other similar activities. In addition, criminal justice attachés at embassies and consulates could help each other to reach a better understanding of their countries' laws and court processes and procedures. This could be a very useful means of facilitating effective cooperation with respect to transnational crimes involving different countries;

(e) The United Nations Government-appointed national correspondents should become more operational. Ideally, the function should be carried out by an office or individual in an agency or institution with responsibilities in the countries' criminal justice systems; this would permit them to ensure that action was taken when necessary and to respond accurately and with authority to United Nations inquiries;

(f) Technical cooperation, particularly at the regional and subregional levels, should be intensified through the development of technical assistance projects benefiting developing countries. Special consideration should be given to the strengthening of the operational capacity of the crime prevention and criminal justice programme and its interregional advisory services, to ensure that the most recent developments in modern technology and expertise are placed at the disposal of all Member States. Efforts should also be made to create regional advisers on crime prevention and criminal justice to provide services to the respective regions, in close contact with the regional institutes for the prevention of crime and the treatment of offenders;

(g) The United Nations crime prevention and criminal justice programme of work should be coordinated with that of ICPO/Interpol and other relevant organizations.

II. ATTENDANCE AND ORGANIZATION OF WORK

A. Date and venue

2. The Ad Hoc Expert Group Meeting on Strategies to Deal with Transnational Crime was convened at Smolenice Castle, Bratislava, from 27 to 31 May 1991.

B. Attendance

3. The Meeting was attended by experts and observers representing all the regions of the world. For a list of participants, see annex II.

C. Opening of the Meeting

4. The Meeting was opened by the Chief of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna (Centre for Social Development and Humanitarian Affairs), who said that the task before the experts was to formulate concrete proposals on the implementation of the conclusions and recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, with particular emphasis on recommendations related to transnational crime.

5. Opening statements were made by Mr. Stefan Lastovka, President of the Police Force of the Slovak Republic, and by the Under-Secretary-General, Director-General of the United Nations Office at Vienna.

6. Mr. Lastovka welcomed the participants and said that the importance of the Meeting was reflected in the great interest of society in the issues to be covered, particularly in connection with the recent experiences of Czechoslovakia. Transnational crime, which until very recently had been virtually unknown, was becoming a problem for the countries of Eastern Europe. In particular, the incidence of drug trafficking and related terrorist activities, as well as money laundering, was increasing. One example was the growing use by drug-smugglers of the so-called "Balkan route", which was affecting more and more countries of the region, including Czechoslovakia.

7. Mr. Lastovka stated that new forms of crime, invariably involving transborder criminality, were threatening his country and referred to a recent study showing that the crime rate was expected to increase by approximately 300-350 per cent by 1996, compared with the crime rates recorded for the biennium 1988-1989. He called for increased and more effective regional, subregional and international cooperation in preventive measures and in legislation, justice administration and law enforcement know-how. Such cooperation should be based on the standards, norms and guidelines adopted by the United Nations which, together with the model treaties adopted by the General Assembly on the recommendation of the Eighth Congress in its resolutions 45/116, 45/117, 45/118 and 45/119, should form the basis for multilateral action against transnational crime while at the same time protecting human rights. Czechoslovakia was prepared to contribute as much as possible to such cooperation and had adopted legislation (article 375 of the Criminal Proceedings Act), which provided that all ratified treaties became domestic law ipso jure. Mr. Lastovka concluded by saying that the Meeting provided an excellent opportunity to establish cooperative arrangements with the rest of the world.

8. The Under-Secretary-General expressed her gratitude to the Government of Czechoslovakia and that of the Slovak Republic for their generosity in acting as hosts to the Meeting in the beautiful castle of Smolenice, noting that it was the first time that the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna had organized an international meeting in Czechoslovakia, taking advantage of President Havel's generous offer of conference facilities extended to the United Nations the previous year.

9. Transborder criminality was, in a sense, the price of increased freedom and technical progress in communication, travel and transportation. Countries that had recently opened their borders were in danger of becoming victims to the existing currents of transborder criminality. For that reason, the Meeting appeared well placed both in time and in geographical location. She stressed the need for close cooperation among and between countries, pointing out that it seemed to be the only way of adequately meeting the challenge posed by transnational crime, which was apparently impervious to the efforts of single countries to cope with it. The model treaties on extradition, mutual assistance and transfer of proceedings in criminal matters (see General Assembly resolutions 45/116, 45/117 and 45/118 respectively) could facilitate the efforts of countries to establish the needed cooperation on a bilateral basis. There was also an acute need for effective multilateral strategies, policies and arrangements to eliminate the discrepancies between national

jurisdictions, from which transborder criminals profited and which enabled them to pursue their illicit activities with impunity. Recent initiatives aimed at creating regional or international tribunals with jurisdiction over certain offences, such as those related to illicit drug trafficking, were promising steps in that direction. The recent "breakthrough" decision to establish a European court with jurisdiction over the planned European economic region was an important advance.

10. The experts had the task of making concrete recommendations on optimal forms of concerted action that would increase the rate of success in the struggle against the different forms of transnational criminality. It was not an easy one, particularly in view of the traditional concepts of national sovereignty. The effort, however, had to be made to adapt international legal institutions to the realities of the modern world, in order to cope with the fresh challenges that kept emerging. Human rights, the violation of which could not be defended on the basis of national sovereignty, were a case in point.

D. Election of officers

11. The following officers were elected by acclamation:

Chairman:	Dušan Čotić (Yugoslavia)
Vice-Chairmen:	Farouk Murad (Saudi Arabia)
	Frank Solomon (Trinidad and Tobago)
	Joyce Bamford-Addo (Ghana)*
Rapporteur:	Michael DeFeo (United States of America)

E. Adoption of the agenda

12. The following agenda was adopted:

1. Adoption of the agenda.

2. Review of the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders with respect to enhanced international cooperation in combating transnational crime.

3. Practical cooperative strategies and policies at the subregional, regional and international levels.

4. Other modalities of international cooperation.

5. Conclusion and recommendations.

6. Adoption of the report.

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*Joyce Bamford-Addo (Ghana) was elected to one of the posts of Vice-Chairmen, representing the African region, but was unfortunately unable to attend.

III. REPORT OF THE DISCUSSIONS

13. The Chief of the Crime Prevention and Criminal Justice Branch made an introductory statement in which he provided background information on the Meeting and discusssed the documentation provided to the experts, which had been included in the programme budget for the biennium 1990-1991 to follow up the progress made in implementing the resolutions adopted by the Eighth Congress dealing with the various aspects of transnational crime.

A. Review of the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders with respect to enhanced international cooperation in combating transnational crime

14. The progress made to date in implementing the actions of the Eighth Congress was catalogued. The resolutions recommended to the General Assembly had been adopted by the Assembly at its forty-fifth session; several of the participants had served as visiting experts at a seminar organized by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders dealing with, inter alia, the model treaties adopted by the General Assembly and the Council of Europe; many nations were successfully employing those models as a basis for treaty negotiation. Several instances were cited in which the negotiation of treaties and conventions could have been greatly expedited had the Branch had the capacity to offer prompt technical assistance and advice on enabling legislation and implementation.

15. The Chairman summarized the initial reactions to the resolutions of the Congress as positive and noted that a good deal of training in the development of treaties was already being undertaken and that the models were being widely used. He also noted that there had not been enough time since the Congress for a complete evaluation of the implementation of its decisions. One expert emphasized the crucial need of developing countries for United Nations assistance in the drafting and development of treaties. The case was cited of years of delay in implementing recommendations for a bilateral drug treaty simply because of a lack of technical expertise in the drafting and formulation of treaties. The view was expressed that the United Nations should provide that type of service to secure implementation of its resolutions and model treaties by countries that had the political will to do so but lacked some of the necessary expertise. It was specifically recommended that the delivery of such services should be a focal point of the Expert Group's recommendations to the forthcoming intergovernmental working group on the creation of an effective United Nations crime prevention and criminal justice programme, established under General Assembly resolution 45/108. With further regard to treaties, the problems surrounding the optional freezing/forfeiture protocol to the model treaty on mutual assistance were commented on and the Chairman recommended further study to resolve those problems. It was, however, noted that the Council of Europe had recently elaborated a treaty on that subject.

16. Concern was voiced that treaties, even when based on United Nations models, should not be viewed as the sole or dominant method of cooperation between States. The demonstrated usefulness of inter-ministerial cooperation in subregional councils was cited as an alternative, which could be speedier and more flexible in some situations. The Model Treaty on the Transfer of Proceedings in Criminal Matters (General Assembly resolution 45/118, annex) and the Model Treaty on the Transfer of Supervision of Offenders Conditionally

Sentenced or Conditionally Released (General Assembly resolution 45/119, annex) were also discussed. An explanation was given of the scheme in force in Genmany and note was taken of the progress made by the Netherlands and the central European nations in that regard. Transfers of proceedings in Europe, principally in traffic matters, were currently estimated at 10,000 annually, rendering an immense service to travellers and their families.

17. Repeated references were made to the inescapable relationship between practical implementation of Congress resolutions and the resources available to the Secretariat, particularly in the area of technical assistance. It was deemed important for the intergovernmental working group to be aware that the leadership of both the United Nations and Member States must display a significant political commitment of will and resources in order to check or reduce the incidence and damaging effects of transnational crime.

18. Participants concurred that there was an apparent discrepancy in priorities between, on the one hand, decision-makers who attended the meetings of the Committee on Crime Prevention and Control and the United Nations congresses on the prevention of crime and the treatment of offenders and, on the other hand, those who attended other United Nations meetings, including those of the Economic and Social Council and the General Assembly and, most importantly, those of the Fifth Committee dealing with allocations to programmes from the United Nations budget. While the former accurately expressed global needs, priorities and concerns with respect to crime, the latter, who were making the crucial decisions that determined the central priorities of the United Nations as a whole, appeared to follow a different direction. It was deemed extremely important to draw attention to the apparent discrepancy and to seek ways, both nationally, through inter-ministry consultations and internationally, to eliminate it.

19. Some concern was expressed that Governments should be more involved in the development of the criminal justice programme. It was noted that the programme was directed by resolutions, some of which had first been moved at the United Nations congresses on the prevention of crime and the treatment of offenders without having been scrutinized in the preparatory process. As a result, additions had been made to the programme that had not been adequately considered by Governments. It was suggested that the recommendation be made to the intergovernmental working group that persons charged with developing national policy on relevant United Nations resolutions should be criminal justice professionals, who would subsequently share the responsibility within their Governments for implementing those resolutions. The additional problem of ensuring that Congress resolutions were translated and disseminated in languages other than the six official languages of the United Nations was conceded to be substantial. Once again, it was felt that greater involvement of Governments in the development and implementation of resolutions should allow greater access to governmental resources for translation and dissemination.

20. Using a phrase emphasized by the Under-Secretary-General, Director-General of the United Nations Office at Vienna, in her remarks, the suggestion was made that the experts recommend that in the future the Secretariat engage in an "outreach" to developing countries to reduce the gap between resolutions and their implementation.

21. Resolution 15, adopted at the Eighth Congress, 1/ in which the proposal was made for the compilation of a register of individual judicial sentences

imposed in respect of offences with a transnational component, was examined and found to be worthy of further study. In particular, coordination should be established with ICPO/Interpol with the possibility that, among other things, it might include in its yearly reports statistical data on transnational, as well as on organized crime. Reference was made to the International Seminar on Organized Crime to be held at Suzdal from 21 to 25 October 1991 as further concrete implementation of Congress resolutions calling for action against such crime. In discussing the implementation of General Assembly resolution 45/108, a number of experts said that they either would be or expected to be representatives of their respective Governments at the meetings of the forthcoming intergovernmental working group, and that they would welcome the views of the other experts as part of their preparatory work. As a consequence, the experts decided to convene an informal meeting chaired by an expert already nominated as his Government's representative.

B. Practical cooperative strategies and policies at the subregional, regional and international levels

22. In spite of the usefulness and importance of the model treaties adopted by the General Assembly on the recommendation of the Congress (resolutions 45/116, 45/117, 45/118 and 45/119), participants expressed the view that cooperation should not be solely bilateral. The model treaties were, of course, intended as prototypes to be used by Governments in their bilateral negotiations, but they should be seen to provide a sound basis for further development with a view to concluding regional agreements. It was stressed that regional cooperation should be developed further, since it appeared to be a promising preamble to the achievement of international cooperation. It was suggested that serious thought be given to the possibility of establishing regional institutions, perhaps at the ministerial level (for example ministerial councils), and holding regional ministerial meetings at regular intervals. For technical assistance, it was suggested that regional advisers be appointed to assist the Interregional Adviser, who was currently overwhelmed by the many requests for advisory services.

23. One expert, who had been a member of the drafting group that had worked on the addendum 2/ to the report to the Economic and Social Council of the Committee on Crime Prevention and Control on its eleventh session, on the need for the creation of an effective international crime and justice programme, outlined the history of that report. Alternative methods of structuring the United Nations programme to achieve practical cooperative strategies and policies were discussed, including new elements such as a world foundation on crime prevention and assistance to victims of transnational crime to raise extrabudgetary funds and secure greater governmental participation, perhaps through a commission of the Economic and Social Council; that might reduce the need for preparatory meetings and make resources available for operational purposes. Whether such changes were to be brought about by a convention or some other instrument was felt to be of secondary importance to the urgent need to respond more effectively to transnational criminality.

24. The semantic vagueness of the terms "organized" and "transnational" crime were noted, and the suggestions made that drug offences should not be equated with organized crime and that the expression crime "with transnational aspects" was broader and more meaningful than "transnational" crime.

25. Recent work by the Council of Europe on criminal justice matters was described, as were the recent discussions of a Freiburg workshop organized by the Max Planck Institute. The Chairman acknowledged with appreciation the contribution of the experts who had participated in that meeting and of the United Nations and the regional institutes for the prevention of crime and the treatment of offenders.

26. The role of ICPO/Interpol in relation to the United Nations crime prevention and criminal justice programme was examined, and the possibilities of cooperative and complementary training programmes, data collection and analyses of training needs were endorsed.

27. The difficulty in obtaining extrabudgetary funds and resources was considered, particularly when the programme's natural constituency was with justice and interior ministries, while foreign ministries as a rule controlled the funds available for technical cooperation and development. In view of those difficulties, it was specifically requested that the Group's recommendations include an endorsement of extrabudgetary fund-raising for the programme.

28. Mr. Igor Matiasovsky, Head of the Antinarcotics Department of the Slovak Police Force Headquarters, noted the manner in which transnational criminals exploited the concepts of national sovereignty and territoriality. He drew attention to the inadequate legal tools available to the authorities in Czechoslovakia, which would make it difficult to observe treaty obligations even if model treaties could be adopted, underscoring the necessity for the maximum extension of cooperative assistance by the United Nations, ICPO/Interpol and the community of nations.

C. Other modalities of international cooperation

29. The specific modality of an international criminal court in the Caribbean was reported on; attention was drawn to a promising proposal initiated after the Eighth Congress, which was currently being developed as an interministerial working group of the Caribbean Community (CARICOM). An additional suggestion was advanced that certain manifestations of organized crime and drug trafficking should be penalized as crimes against humanity. Under the theory of universal jurisdiction, any nation would then be able to punish such offenders, no matter where the offence had been committed. The efforts in the European Community and Council of Europe to establish regional jurisdiction were favourably remarked upon, as well as the work of the International Association of Penal Law in that area. It was agreed that, despite the slow pace of the International Law Commission, efforts should be made by the United Nations crime prevention and criminal justice programme to establish formal liaison with that body and bring to its attention in a systematic way the practical projects in place and being developed throughout the world.

30. The need to stress prevention as an important modality was emphasized, particularly through training available from the United Nations, the regional institutes on the prevention of crime and the treatment of offenders and the police.

31. The Interregional Adviser reported on the needs of developing countries for technical assistance and on the organizational and budgetary relationship of the crime programme with the United Nations Development Programme (UNDP) and the Department of Technical Co-operation of the United Nations Secretariat.

It was noted that large sums were dedicated to crime-related projects executed by other agencies, but no technical cooperation funds were regularly allocated to crime prevention and criminal justice except for support of the Inter-regional Adviser.

32. The Director of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders reported that the Institute would be unable to direct its attention to organized crime in his region, as it lacked the technical capability to research the subject. Other problems might prevent effective corruption research. He did note the problem of sub-standard prisons in the region, which were filled with petty drug criminals living in inhumane conditions.

33. The President of the Arab Security Studies and Training Centre (ASSTC) reported upon the Centre's successful training programmes and provided valuable information on the demand generated by such training, which had led countries and funding agencies to contribute to the Centre's funding. The concept of a specialized agency, the need for scholarship and independent training and technical assistance capacities, and other new initiatives, including international support, were all considered worthy of specific mention and exploration.

34. Reference was made to other modalities of international cooperation mentioned in various reports and documentation submitted to the experts, all of which were to be considered by the drafting group and reflected in the recommendations of the meeting.

IV. ADOPTION OF THE REPORT

35. At the final meeting, the draft report was adopted.

Notes

1/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

2/ Official Records of the Economic and Social Council, 1990, Supplement No. 1 A (E/1990/3/Add.1).

Annex I

MODEL DECREE FOR THE CONFISCATION OF CRIMINAL PROCEEDS

Introduction

1. Modern strategies against organized crime are based, inter alia, on the punishability of money laundering and the possibility of confiscating the proceeds of crime.

2. Regarding the means of investigation, judicial authorities are now in a position, by following the so-called "paper-trail" through the different bank accounts, to trace the identity of the perpetrators of a crime or to discover the proceeds of crime.

3. Furthermore, recent legal international instruments have created considerably better conditions for mutual assistance between the authorities of different countries (the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, a/ the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, of 8 November 1990, and the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117 of 18 December 1990)), and for cooperation between penal authorities and the banking and financial systems (see the Basle code of conduct of 18 December 1989, and to the 40 recommendations of the Financial Action Task Force on money laundering of February 1990).

4. Consequently, it becomes necessary to improve the technical means to be used by the investigating authorities, in order to translate into practice the provisions of those international instruments. The present proposed model decree, for inquiries by banks and financial institutions, aims at effectively seizing the proceeds of crime and obtaining all the connected documents.

5. Through its acceptance and dissemination nationally and internationally, law enforcement and judicial authorities, as well as the central banks of different countries, would begin to familiarize themselves with the use of such a model, which could be adapted to specific cases, according to changing needs and circumstances.

6. This would facilitate the relationship between the law enforcement and judicial authorities of different countries, as well as the working arrangements with the banking and financial systems.

I. SCOPE OF THE DECREE REGARDING THE PRODUCTION OF DOCUMENTS AND CONFISCATION OF PROCEEDS

7. Drawing on the relevant provisions of the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances a/ and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, the text of the decree should contain the following clarification of its scope:

> "The present decree applies to assets or property of whatever nature, corporal or incorporal, movable or immovable, tangible or

intangible, as well as legal deeds or any other documents that incorporate the rights to such assets or property, in particular:

"(a) Cash, in any currency;

"(b) Precious metals and precious stones;

"(c) Titles incorporating real rights and/or extending to movable or immovable assets;

"(d) Titles negotiable inside or outside stock exchanges or other established financial markets, in particular shares, stocks, bonds, financial investments, trusts or similar obligations;

"(e) Any other means of payment, including, in particular, cheques, bills of exchange, money orders and so forth;

"(f) Property titles or participation titles of legal persons in whatever form or nature, in particular, titles regarding property rights, or the control of establishments, trusts, foundations, commercial companies and so forth;

"(g) Contracts, in particular concerning options, commodities, precious metals and futures;

"(h) Deposit certificates, treasury notes, treasury bills, bank booklets and so forth."

II. NATURE OF THE BANKING RELATIONSHIP THAT IS THE OBJECT OF THE CONFISCATION DECREE

8. The decree addressed by a judicial authority to a bank or financial institution should specify that such decree and/or requests for documents refer to assets or property falling under the categories listed above, regardless of the way by which they came into the possession of the banking or financial institution. In fact, the relationship that can be established between the client and the bank or financial institution may vary depending on the nature of the possible contracts. The situation in which, owing to an incomplete enumeration, the receiving bank omits to apply the decree to assets that are in fact the ones being sought should, therefore, be avoided. For this reason, the decree should begin by specifying that a general formulation be used to the effect that all possible assets are included, regardless of the form of the relationship that exists between the client and the receiving institution. This should be followed by an indicative and non-exhaustive enumeration of the most common forms of deposits or accounts. The following is a possible formulation along the lines mentioned above:

"The present decree extends to all existing assets in the possession of the receiving banking or financial institution, regardless of the legal nature of the relationship between the client and such institution, in particular all existing assets in the following forms:

"(a) In an account, regardless of its appellation (current account, deposit account, investment account, savings account and so

forth) and of whether such account is still open, or already closed, or identified only by means of a number, code or invented name, and irrespective of whether it is a transitory account or whether it exists in the form of a sub-account;

"(b) In the form of accounts of the bank or financial institution itself or other banking or financial institutions controlled by it, particularly under the appellation of 'our account' or 'different account' or other such accounts;

"(c) In the form of a deposit booklet, nominative booklet, or to the bearer booklet, regardless of appellation (in particular, savings booklets, investment booklets and others);

"(d) In safes or safe deposit boxes made available by the bank to its clients."

III. LISTS OF REQUESTED DOCUMENTS

9. In response to the decree issued by the law enforcement or judicial authority, the documents requested from the banking or financial institution shall be as complete as possible. What must be avoided is a partial transmission, a frequent occurrence nowadays. Usually, the receiving institution limits its response to sending the annual bank statements, from which it is only possible to make deductions regarding the general movement of an account. These statements, however, are of only limited value for a criminal investigation. For example, they often fail to mention the identity of the persons who have given the instructions to the bank, or the identity of the beneficiary, or the reasons for the different transactions mentioned in the bank statements.

10. The statements should therefore be accompanied by additional documents justifying every single transaction. For this reason, the decree should contain specific requests, drawing on the following elements:

"The banking or financial institution must provide to the judicial authority all documents concerning the assets or property that are the object of the decree, as well as all documents concerning the accounts and relationships that are the object of the decree, in particular:

"(a) The documents establishing the relationship or account with the receiving institution, in particular the signature cards of all those vested with the power of signature (signature card and opening account documentation);

"(b) The documents that contain the complete and true identity, address and employment of every person vested with the power of signature and each beneficiary/owner of the account;

"(c) The power of attorney and every other document authorizing persons other than those named as account owners to effect transactions in the account;

"(d) The periodic account statements (monthly, quarterly, annual or otherwise) that reflect all the transactions in the account during or pertaining to the period from the beginning of the illicit activities to the present day;

"(e) The documents justifying and reflecting the operations (in particular deposits, wire transfers, debits, withdrawals and deposits effected in cash or in any other form), for example deposit receipts or slips, memoranda of credit or debit, withdrawal slips and similar supporting documents;

"(f) All documents reflecting the identity of the persons who, either directly or through intermediaries, ultimately received funds from the incriminated accounts and/or from connected accounts;

"(g) Written instructions (instructions on payments or transfers) and annotations regarding the instructions of the client, the correspondence to, from, or on behalf of, the account holder(s) (letters, telegrams, telexes, telefaxes and telephone messages, telephone logs, memoranda, notes of phone conversations), as well as the minutes relating to the contents of conversations with the client;

"(h) The deeds of pledges, the contracts of the constitution of block accounts (escrow agreements) etc.;

"(i) Deposit certificates;

"(j) Letters of credit, standby letters of credit and so forth;

"(k) The cheques (front and back) and all similar means of payment and documents relating to these means of payment, and to their collection."

IV. CONCLUSION

11. A standardized model decree for the confiscation of proceeds and the production of documents to be used by law enforcement and judicial authorities worldwide would constitute one of the main instruments for an effective strategy against organized crime and money laundering.

12. The decree should therefore be as clear and complete as possible, and be adapted to the changing requirements of the banking and financial world.

13. The model could be divided into two parts: a general part, which would contain the sections and clauses that are considered absolutely necessary to comply with the relevant provisions of existing international instruments; and a second part, which would contain the elements that are specific for each case and each country (for instance, mentioning the penalties in case of false or incomplete replies or the prohibition forbidding the receiving bank to alert its customers who are mentioned in the decree).

14. The use of such a model decree would also be helpful in implementing the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, b/ particularly those related to the fight against organized crime.

Notes

a/ United Nations publication, Sales No. E.91.XI.6.

b/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990 (United Nations publication, Sales No. E.91.IV.2), chap. I.

Annex II

LIST OF PARTICIPANTS

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